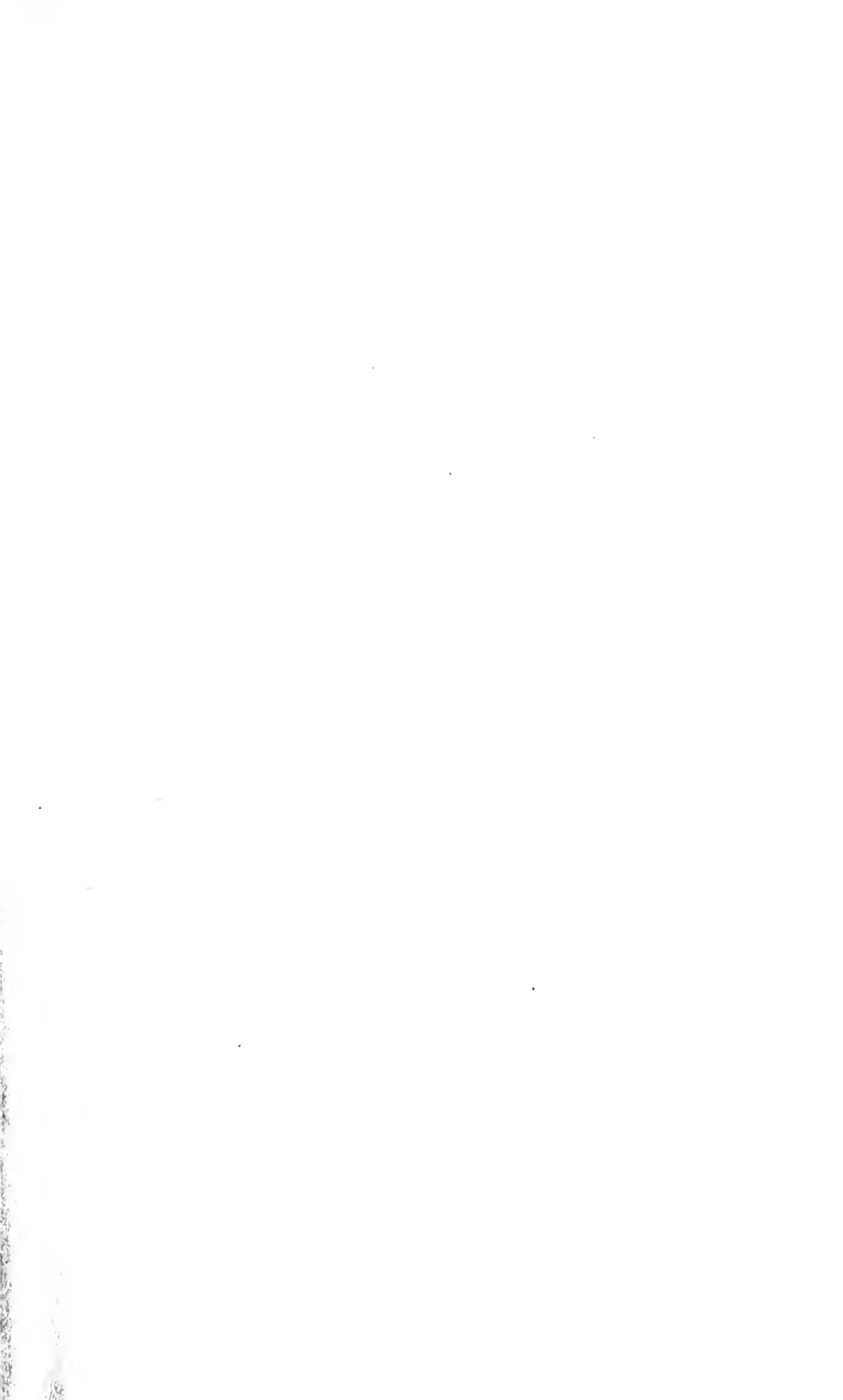


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INVESTIGATION OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES

EXECUTIVE BOARD
JOINT ANTI-FASCIST REFUGEE COMMITTEE

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES SEVENTY-NINTH CONGRESS SECOND SESSION ON **H. Res. 5**

TO INVESTIGATE (1) THE EXTENT, CHARACTER, AND OBJECTS OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES; (2) THE DIFFUSION WITHIN THE UNITED STATES OF SUBVERSIVE AND UN-AMERICAN PROPAGANDA THAT IS INSTIGATED FROM FOREIGN COUNTRIES OR OF A DOMESTIC ORIGIN AND ATTACKS THE PRINCIPLE OF THE FORM OF GOVERNMENT AS GUARANTEED BY OUR CONSTITUTION; AND (3) ALL OTHER QUESTIONS IN RELATION THERETO THAT WOULD AID CONGRESS IN ANY NECESSARY REMEDIAL LEGISLATION

APRIL 4, 1946, AT WASHINGTON, D. C.

Printed for the use of the Committee on Un-American Activities



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ERNIE ADAMSON, *Counsel*

JOHN W. CARRINGTON, *Clerk*

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Prof. Lyman R. Bradley.
Mrs. Marjorie Chodorov.
Howard Fast.
Mrs. Ernestina G. Fleischman.
Leverett Gleason.
Harry M. Justiz.
Mrs. Samuel Kamsly.
Mrs. Ruth Leider.
James Lustig.
Manuel Magana.
Dr. Louis Miller.
Herman Shumlin.
Mrs. Charlotte Stern.
Dr. Jesse Tolmach.
Mrs. Bobbie Weinstein.
Miss Helen R. Bryan, executive secretary.

INVESTIGATION OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES

THURSDAY, APRIL 4, 1946

HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

EXECUTIVE SESSION

The committee met at 10 a. m., Hon. John S. Wood (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Mr. ADAMSON. I will call Dr. Jacob Auslander first this morning.

TESTIMONY OF DR. JACOB AUSLANDER, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Dr. AUSLANDER. Mr. Chairman, may I ask my counsel to come in?

The CHAIRMAN. No; we do not have lawyers in here with the witnesses.

Dr. AUSLANDER. May I ask you for permission, then, to consult with counsel if I believe I need to?

The CHAIRMAN. You can confer with him at any time in answer to any questions that may be asked you.

Mr. ADAMSON. Will you give your full name and your address to the reporter, please?

Dr. AUSLANDER. Jacob Auslander, 120 Riverside Drive, New York City.

Mr. ADAMSON. I notice the prefix "Doctor" in front of your name. Are you an M. D.?

Dr. AUSLANDER. I am an M. D., yes, sir.

Mr. ADAMSON. Are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Dr. AUSLANDER. Yes, sir.

Mr. ADAMSON. And your appearance here is in answer to a subpoena which was served upon you? Is that right?

Dr. AUSLANDER. Yes, sir.

The CHAIRMAN. By this committee?

Mr. ADAMSON. Yes; a subpoena of this committee. You have the copy there?

Dr. AUSLANDER. I have the original subpoena here.

Mr. ADAMSON. I offer this copy, Mr. Chairman, as part of the record in this hearing. We will make the return by the official later.

The CHAIRMAN. It will be admitted.

(The subpoena addressed to Dr. Jacob Auslander follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Dr. Jacob Auslander, 286 West Eighty-sixth Street, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or sub-committee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

Mr. ADAMSON. Are you a member of the executive board of the Joint Anti-Fascist Refugee Committee, and did you participate in a meeting at which your chairman, Doctor Barsky, laid before you a subpoena served upon him previously, to produce the books, papers, and records of the Joint Anti-Fascist Refugee Committee before this committee of Congress?

Dr. AUSLANDER. Yes. You asked me two questions. The first question I already answered before. I am a member of the executive board of the Joint Anti-Fascist Refugee Committee. May I ask you to repeat the second question?

Mr. ADAMSON. Did you participate in a meeting of the board of which Dr. Barsky, your chairman, was present, and at which meeting the question of complying with a subpoena to produce the books and papers and records of the Joint Anti-Fascist Refugee Committee for the inspection of this committee here was laid before the board, and according to Dr. Barsky's testimony the board refused permission to him to produce the books, papers, and records in compliance with the subpoena? Now, we merely want to know if you participated in that meeting?

Dr. AUSLANDER. Yes, sir.

Mr. ADAMSON. And did you vote to deny to this committee the privilege of inspecting the books, papers, and records?

Dr. AUSLANDER. It doesn't matter how I voted, the board voted.

Mr. ADAMSON. The board was unanimous, was it?

Dr. AUSLANDER. The board voted against it. The board controls the policy.

The CHAIRMAN. And you voted against it?

Dr. AUSLANDER. I don't think that question is pertinent.

The CHAIRMAN. You don't think it is pertinent? Can't you state whether you did or not?

Dr. AUSLANDER. I don't think it is pertinent what I do personally.

Mr. THOMAS. Are you willing now to let this committee see the books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Dr. AUSLANDER. I do not have control. That is for the board to decide.

Mr. THOMAS. But you are a member of the board. I am asking you what you would do.

Dr. AUSLANDER. I could not say without consulting in the board meeting.

Mr. MUNDT. The executive board controls the policy of the Anti-Fascist Refugee Committee, does it not?

Dr. AUSLANDER. Yes, I suppose so.

Mr. MUNDT. And the board voted against allowing this committee to see the books, records, and papers of the Joint Anti-Fascist Refugee Committee?

Dr. AUSLANDER. The board voted unanimously.

Mr. MUNDT. How did you vote?

Dr. AUSLANDER. I do not think that question is pertinent. That is a personal matter.

The CHAIRMAN. That is what we want; what you would do personally. Would you consent now to allow the investigators of this committee to see the books and papers, in compliance with the subpoena?

Dr. AUSLANDER. I would like to consult my attorney.

The CHAIRMAN. That is a simple question. Can't you answer that "Yes" or "No" without consulting your attorney?

Dr. AUSLANDER. I would like to consult my attorney.

The CHAIRMAN. All right.

(The witness left the hearing room for a few moments.)

Dr. AUSLANDER. Now, the question is whether I would consent now to have the books of the committee opened, of the Joint Anti-Fascist Refugee Committee, opened to your committee? I cannot answer, because this is a question for the board to decide. In the board meetings these things are decided, and we come to a certain decision. I have no opinion at this time now whether I would.

Mr. MUNDT. In other words, you are not prepared to say "yes" this morning?

Dr. AUSLANDER. Yes; but I refuse to say "no." I am not prepared to say. I cannot say what I would do in the future. At the present I am not prepared to make any decision, as far as that is concerned. Only in a board meeting I am required to make a decision. In the board meetings these things are discussed, and I hear the arguments for and the arguments against, and I can form an opinion, but here I cannot form an opinion.

The CHAIRMAN. I will ask you this question: Have you heretofore voted in favor of this committee of Congress having access to those books?

Dr. AUSLANDER. This is also the same question. As I said before, I would not answer.

The CHAIRMAN. You would not answer?

Dr. AUSLANDER. Because I don't think this is pertinent, the way I personally voted.

The CHAIRMAN. Miss Helen Bryan is an employee of your organization, is she not?

Dr. AUSLANDER. Yes, sir.

The CHAIRMAN. And is subject to the will and direction of the board of directors, of which you are one?

Dr. AUSLANDER. In some respects she is, and in some respects she is not.

The CHAIRMAN. In respect to what she does concerning the policy of that committee? She has no authority to produce books and records or to permit anyone to see them without the consent of the board of directors, has she?

Dr. AUSLANDER. Well, that is not exactly so; no. It is not so.

The CHAIRMAN. You mean she has got that authority?

Dr. AUSLANDER. She was given the authority to——

The CHAIRMAN (interposing). Just answer the question I asked you.

Dr. AUSLANDER. Well, what is the question?

The CHAIRMAN. Has she got authority to permit this committee to see those books, irrespective of the will of the board of directors?

Dr. AUSLANDER. Within her legal limits. She was asked to protect the books.

The CHAIRMAN. Has she got authority, if she wanted to do it, if she was willing to do it, to permit this committee to have access to your books and records called for by this subpoena, whether your board gives her permission to do it or not? Has she still got the authority to do it?

Dr. AUSLANDER. If the board gave permission, then she would. She has limited authority.

She has limited authority provided for the legal protection of the books.

The CHAIRMAN. I asked you a plain question. I will repeat it. Has she got the authority from your board to permit this committee of Congress to inspect the books, records, and documents called for in this subpoena, without the consent of your board of directors? Has she got that much authority?

Dr. AUSLANDER. That was not formally discussed, therefore I cannot say. May I say a word in explanation of that?

The CHAIRMAN. Yes.

Dr. AUSLANDER. I don't know whether she has authority to do it. I know she was told by the board, I will say, to——

The CHAIRMAN (interposing). To decline?

Dr. AUSLANDER. No; not told to decline. She was told to protect the books, as advised by counsel, to protect the books within the legal requirements. This was the decision of the board after a lengthy discussion.

The CHAIRMAN. Then the board has met and by the board action, you being present, has declined to give permission for us to see them, has it not?

Dr. AUSLANDER. No.

The CHAIRMAN. You said that awhile ago, didn't you?

Dr. AUSLANDER. The decision giving the books, the authority to Miss Helen Bryan, telling her that she shall consult counsel, and within legal limitations act according to the advice of counsel, so far as the books are concerned.

The CHAIRMAN. Didn't you testify awhile ago that your board had a meeting and by action of the board declined to permit this commit-

tee of Congress to see those books and records? Didn't you testify to that a while ago?

Dr. AUSLANDER. No; that was about Dr. Barsky.

Mr. THOMAS. He is chairman of the board, isn't he?

Dr. AUSLANDER. We declined to give Dr. Barsky permission to give the books, because there is no necessity for him to give the books when we have a custodian.

Mr. THOMAS. This gentleman is either perjuring himself or Dr. Barsky perjured himself here.

Dr. AUSLANDER. No; excuse me, I will give the reasons why we refused to give Dr. Barsky permission, because we had already a legal custodian.

The CHAIRMAN. It is clearly obvious to the chairman, gentlemen, that this witness is trying to evade the questions. Now, I want to ask him the straight question, what your attitude is today about it?

Dr. AUSLANDER. About what?

The CHAIRMAN. As a member of the board of directors of the Joint Anti-Fascist Refugee Committee, do you consent now to this committee of Congress having access to the records called for in this subpoena? Do you or not? Just answer the question "Yes" or "No."

Dr. AUSLANDER. I cannot answer the question "Yes" or "No," because the board has to decide, not I personally.

The CHAIRMAN. I am asking you what your own personal attitude is.

Dr. AUSLANDER. My personal attitude I refuse to divulge.

The CHAIRMAN. Very well.

Mr. MUNDT. That's all.

Mr. RANKIN. One question. Who is this lawyer you talked with out there?

Dr. AUSLANDER. Mr. Wolf, Benedict Wolf.

Mr. RANKIN. Where do you live? Where is your home?

Dr. AUSLANDER. In New York City, 120 Riverside Drive.

Mr. RANKIN. How long have you lived there?

Dr. AUSLANDER. About 9 years.

Mr. RANKIN. Where did you come from before you went there?

Dr. AUSLANDER. I came from 520 West One Hundred and Tenth Street.

Mr. RANKIN. Are you a native of New York?

Dr. AUSLANDER. No, sir.

Mr. RANKIN. What is your native home?

Dr. AUSLANDER. Austria.

Mr. RANKIN. When did you leave Austria?

Dr. AUSLANDER. I left Austria in 1923.

Mr. RANKIN. How old are you?

Dr. AUSLANDER. I am going to be 50 in the fall. I am 49 now.

Mr. THOMAS. Are you a citizen of the United States?

Dr. AUSLANDER. Yes, sir.

Mr. THOMAS. And when were you naturalized?

Dr. AUSLANDER. In 1929, I believe; yes.

Mr. THOMAS. You were naturalized in 1929?

Dr. AUSLANDER. Yes; I am almost certain.

Mr. THOMAS. When did you say you came to this country?

Dr. AUSLANDER. In 1924.

Mr. THOMAS. That is all.

Mr. RANKIN. Do you realize that you are violating your oath of citizenship when you show contempt of this committee, and are likely to have that citizenship canceled?

Dr. AUSLANDER. I do not think that I have contempt for this committee. I don't think so.

Mr. RANKIN. We think you have.

Dr. AUSLANDER. Well, it is just a matter of opinion.

The CHAIRMAN. Where were you naturalized?

Dr. AUSLANDER. In the district court in New York.

Mr. MUNDT. I don't think we should waste any more time with this witness, Mr. Chairman.

The CHAIRMAN. You are excused.

(Dr. Auslander submitted the following paper:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena. I am unable to comply with your order to produce them.

(Witness excused.)

Mr. ADAMSON. Call Professor Bradley.

TESTIMONY OF PROF. LYMAN R. BRADLEY, NEW YORK, N. Y.

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Give your full name and your address to the reporter, Professor.

Mr. BRADLEY. May I have counsel with me?

Mr. ADAMSON. No. Give your full name and address to the reporter, so he will know who you are.

Mr. BRADLEY. Lyman R. Bradley, 10 Downing Street, New York 14. May I have counsel to consult with?

The CHAIRMAN. I am going to advise you what the policy of this committee is. We do not permit lawyers to accompany witnesses in the committee room.

Mr. BRADLEY. May I see him?

The CHAIRMAN. Any question that is asked you which involves a matter that you reasonably feel you should consult counsel about you will be given that privilege.

Mr. BRADLEY. Consult him outside?

The CHAIRMAN. Yes.

Mr. ADAMSON. I notice the prefix "Professor" before your name. Will you tell the committee what your connection is with regard to that? Are you a professor?

Mr. BRADLEY. I am.

Mr. ADAMSON. Where are you connected?

Mr. BRADLEY. New York University.

Mr. ADAMSON. And what subject?

Mr. BRADLEY. Germany.

Mr. ADAMSON. Are you a citizen of the United States?

Mr. BRADLEY. Yes.

Mr. ADAMSON. Are you a native-born citizen?

Mr. BRADLEY. Yes; I am native-born.

Mr. ADAMSON. A native of New York?

Mr. BRADLEY. A native of New York State, not New York City.

Mr. ADAMSON. Where do you come from in New York State?

Mr. BRADLEY. Spencer, N. Y. That is a small town south of Ithaca.

Mr. ADAMSON. Are you here in answer to a subpoena served upon you by direction of this committee, directing you to produce certain books, papers, and records?

Mr. BRADLEY. Yes, sir [producing a subpoena].

Mr. ADAMSON. Mr. Chairman, I offer the copy of the subpoena in evidence in connection with the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena on Prof. Lyman R. Bradley follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Prof. Lyman R. Bradley, New York University, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which Hon. John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman.*

Attest:

JOHN W. CARRINGTON, *Clerk.*

Mr. ADAMSON. Now, Professor, are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mr. BRADLEY. Yes, sir.

Mr. ADAMSON. And did you participate in a meeting at which your chairman, Dr. Barsky, laid before the board a subpoena served upon him by the committee to produce both papers and records of the Refugee Committee? First, answer did you participate in the meeting?

Mr. BRADLEY. I am not quite sure of the meeting involved, the meeting that you refer to.

Mr. ADAMSON. Dr. Barsky, your chairman, appeared before this committee and testified, when he was served with a subpoena by this committee, that he laid the matter before the board of the Refugee Committee, and that the board of the Refugee Committee—when I say "Refugee Committee" I mean the Joint Anti-Fascist Refugee Committee.

Mr. RANKIN. I think I would give the full title of it.

Mr. ADAMSON. He said that your board voted and instructed him unanimously not to comply with the subpoena of this committee to produce the books, papers, and records. Now, I ask you if you participated in that?

Mr. BRADLEY. Yes, I did.

Mr. ADAMSON. And what was your vote on the matter?

Mr. BRADLEY. I don't think that is pertinent.

Mr. ADAMSON. Do you refuse to answer the question?

Mr. BRADLEY. Yes; I refuse to answer. That is not pertinent.

Mr. ADAMSON. You refuse to answer the question?

Mr. BRADLEY. On that ground, on that basis, with that qualification.

Mr. ADAMSON. You refuse to answer the question, regardless of what the grounds are?

Mr. BRADLEY. Well, that is the reason for my refusing to answer it. That is a private matter.

Mr. ADAMSON. Now, I ask you if you have produced the books, papers, and records called for in the subpoena which was served upon you here today?

The CHAIRMAN. Please answer the question. Have you produced them?

Mr. BRADLEY. In reply to that I must insist upon reading this paper.

The CHAIRMAN. We don't want any reading. We want to know whether or not you have got them here.

Mr. BRADLEY. No, sir.

Mr. MUNDT. Certainly a man intelligent enough to teach in a university can answer the question whether he has got the books with him or not. Look in your pockets and see whether you have got them.

Mr. BRADLEY. Mr. Chairman, I would like to read this paper to you.

The CHAIRMAN. We don't want any reading. We want you to answer the question whether you have got them or not. You know whether you have got them or whether you haven't.

Mr. BRADLEY. I insist upon reading the statement.

Mr. THOMAS. Who is running this committee, you or the committee?

Mr. BRADLEY. May I say, I think the purpose of the question is served by reading this paper.

The CHAIRMAN. We are not concerned about the written statement that you have there. You have been asked one simple question that involves a fact that you have to know; that is, whether you have got these books with you or not, called for by this subpoena. Have you got them?

Mr. BRADLEY. This is my reply.

The CHAIRMAN. Have you got the books?

Mr. BRADLEY. I insist that I have to read this reply.

Mr. MUNDT. You can answer "Yes" or "No." We want to know if you have got them.

Mr. BRADLEY (reading):

I have been served with a subpoena requiring me to appear——

The CHAIRMAN (interposing). All we want to know, Mr. Bradley, is, Will you answer the question that has been asked you? You know whether you have got the books or not.

Mr. BRADLEY. I will answer it by reading this paper.

The CHAIRMAN. You are a man of intelligence, aren't you? You think you are at least. Do you know whether you have got these books with you or not?

Mr. BRADLEY. May I consult my counsel?

Mr. RANKIN. Not on this question.

The CHAIRMAN. It doesn't require a lawyer to say whether you know whether you have got them or not.

Mr. RANKIN. He has already shown contempt of the committee. Now let us have his answer this question "Yes" or "No."

Mr. MUNDT. Either refuse to answer or answer it, one or the other.

Mr. BRADLEY (reading):

I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee—

The CHAIRMAN (interposing). No; I tell you we don't want you to read a statement. Have you got these books with you?

Mr. BRADLEY. I must insist that I have to read this paper.

The CHAIRMAN. Do you refuse to answer the question?

Mr. BRADLEY. I would like to answer it by reading this statement.

Mr. MUNDT. Don't tell us what you would like to do. Just answer the question.

Mr. BRADLEY. I will answer the question by reading the statement.

Mr. RANKIN. You are not going to read the statement.

The CHAIRMAN. We are not interested in the statement.

Mr. LANDS. Ask him if he is in favor now, as a member of the board, of producing the books, records, and papers.

Mr. MUNDT. No; let us stay with the question he has now.

Mr. THOMAS. If he refuses to answer, we might as well let him go.

Mr. BRADLEY. I will answer the question by reading this paper.

The CHAIRMAN. We don't want any reading of any prepared statement about it. We want the question answered.

Mr. BRADLEY. May I ask my counsel about this?

The CHAIRMAN. You don't need to ask him about whether you have got the books. You know whether you have got them or not.

Mr. MUNDT. You have no question about whether you have got the books.

The CHAIRMAN. Do you have to consult counsel to know whether you have got the books with you or not? Do you have to ask him that?

Mr. BRADLEY. I insist that I read this statement.

The CHAIRMAN. Mr. Bradley, do you have to ask your counsel to determine whether or not you have got those books?

Mr. BRADLEY. I have to ask my counsel about your question.

Mr. RANKIN. You don't have to ask him that.

The CHAIRMAN. You mean you have to ask counsel in order to know whether you have got them here or not?

Mr. BRADLEY. I should like to answer your question by reading this statement.

The CHAIRMAN. I am not asking you what you would like to do. I am asking you if you think you have to interrogate your counsel in order to determine whether or not you have got these books with you.

Mr. BRADLEY. I will reply to it in this way——

The CHAIRMAN (interposing). I don't want you to reply in any way except by "Yes" or "No."

Mr. BRADLEY (reading):

I individually do not have possession, custody, or control over any of the material requested in the subpoena——

The CHAIRMAN (interposing). We have told you two or three times we don't want to hear any prepared statement. Let me see that paper.

Mr. BRADLEY. I will have to read this to you.

The CHAIRMAN. Let me see your statement.

Mr. BRADLEY. Allow me to finish reading the statement.

Mr. ADAMSON. It is the same one the previous witness had.

Mr. RANKIN. Give it to the chairman. Now, the next question he refuses, just call up the marshal and send him to jail.

The CHAIRMAN. The question that was asked you, Mr. Bradley, was: "Did you bring these books with you here today?" You can answer that "Yes" or "No."

Mr. BRADLEY. Mr. Chairman, my answer is in this manner.

The CHAIRMAN. Do you know whether you have got them here or not?

Mr. BRADLEY. My answer has been turned over to you, Mr. Chairman.

The CHAIRMAN. Will you answer that question?

Mr. BRADLEY. My reply to these questions is before you in the written statement.

The CHAIRMAN. Do you mean to say, then, that you decline to answer the question?

Mr. BRADLEY. I think I answer the question by that written statement.

The CHAIRMAN. And in no other way? Is that right?

Mr. BRADLEY. That is the answer to the question, the statement.

The CHAIRMAN. Is that the only answer you propose to give us?

Mr. BRADLEY. That is my entire answer.

The CHAIRMAN. And that is the only way you intend to answer it?

Mr. BRADLEY. That is the reply.

The CHAIRMAN. And the only reply you are going to make? Is that right?

Mr. BRADLEY. That is the entire reply.

The CHAIRMAN. Now, the board of directors—is that what you call your board, board of directors or executive board, or what do you call it?

Mr. BRADLEY. I think either one would apply. I have forgotten for the moment.

The CHAIRMAN. One of them, either the board of directors or the executive board, of which you are a member, of the Joint Anti-Fascist Refugee Committee, is the controlling authority of that organization, is it not?

Mr. BRADLEY. It delegates powers to the executive secretary.

The CHAIRMAN. And it can rescind those powers? If it has authority to delegate, it has authority to rescind them, does it not?

Mr. BRADLEY. May I ask my counsel?

The CHAIRMAN. The policy of your board, or your organization, is controlled by your board, isn't it?

Mr. BRADLEY. But I would feel better about the answer if I could consult counsel.

The CHAIRMAN. You know the answer to that question, don't you? We can't let you run out of here on every question to consult your counsel. We will be here 2 or 3 days. You know whether or not your board of directors is the controlling body of your organization, don't you?

Mr. BRADLEY. May I ask you to put the original question?

The CHAIRMAN. The original question is that the board of directors or the executive board, whichever one you call it, of which you are a member, is the authority that controls the policy of the Joint Anti-Fascist Refugee Committee?

Mr. BRADLEY. May I ask counsel that?

Mr. MUNDT. Is your counsel a member of the board?

Mr. BRADLEY. No, sir.

Mr. MUNDT. You ought to know more about it than he does.

Mr. BRADLEY. I still request to consult counsel.

The CHAIRMAN. I don't think that is a question that counsel can enlighten you on. You know whether it is or not.

Mr. BRADLEY. Nevertheless, I would do better in answering your question if I could consult counsel.

The CHAIRMAN. We want you to answer or decline to answer. Which do you do?

Mr. BRADLEY. Without being able to speak with my counsel, I am not in a position to reply adequately as I think I should.

The CHAIRMAN. Then I will ask you this question: As a member of the board of directors, or the executive board, of the Joint Anti-Fascist Refugee Committee, are you willing now to permit this committee of Congress or its representatives to have access to the books and records that are called for in the subpoena that was served on you?

Mr. BRADLEY. I don't think that that is pertinent at this moment.

The CHAIRMAN. I didn't ask you that. I asked you if you are willing to permit, as a member of that board? Are you willing to permit it?

Mr. BRADLEY. I think the question is not pertinent at the moment.

The CHAIRMAN. And for that reason do you decline to answer?

Mr. BRADLEY. Yes, sir.

The CHAIRMAN. You may be excused.

(Mr. Bradley submitted the following paper:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

(Witness excused.)

Mr. ADAMSON. I will next call Mrs. Marjorie Chodorov.

TESTIMONY OF MRS. MARJORIE CHODOROV, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your full name and address to the reporter?

Mrs. CHODOROV. My name is Mrs. Marjorie Chodorov, 815 Park Avenue, New York City. May I have permission to bring my counsel in?

The CHAIRMAN. Who is your counsel?

Mrs. CHODOROV. Mr. Benedict Wolf.

The CHAIRMAN. He represents the Joint Anti-Fascist Refugee Committee, does he not?

Mrs. CHODOROV. That is right.

The CHAIRMAN. Is he your personal counsel or counsel for the committee?

Mrs. CHODOROV. He is counsel for the committee and for the members of the board, as I understand it. I consider him my counsel. May I bring him in?

The CHAIRMAN. If any question arises here that involves a legal matter which you desire to consult your counsel about, we will permit you to consult him.

Mr. ADAMSON. Are you a citizen of the United States?

Mrs. CHODOROV. I am.

The CHAIRMAN. And you were born in New York; you are a native New Yorker?

Mrs. CHODOROV. I am.

Mr. ADAMSON. You are a native of New York City?

Mrs. CHODOROV. I am.

Mr. ADAMSON. Are you a member of the executive board, I believe they call it, of the Joint Anti-Fascist Refugee Committee?

Mrs. CHODOROV. Yes, I am.

Mr. ADAMSON. And how long have you been a member of that board?

Mrs. CHODOROV. I have been a member of the board, I would say, about 2 years.

Mr. ADAMSON. And have you been served with a subpoena by this committee?

Mrs. CHODOROV. Yes.

Mr. ADAMSON. Directing you to produce books, papers, and records here today?

Mrs. CHODOROV. Yes, I have.

Mr. ADAMSON. Have you the pink copy of the subpoena there?

Mrs. CHODOROV. Yes [producing the subpoena].

Mr. ADAMSON. Mr. Chairman, I ask that this be made a part of the testimony of this witness, the same as with the other witnesses.

The CHAIRMAN. It will be admitted.

(The subpoena served on Mrs. Marjorie Chodorov follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Mrs. Marjorie Chodorov, 815 Park Avenue, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which Hon. John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and she is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March, 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

Mr. ADAMSON. Your chairman, Dr. Barsky, has testified previously before this committee that when he was served with a subpoena at the prior date directing him to produce the books, papers, and records of the Joint Anti-Fascist Refugee Committee he laid the matter of that subpoena before the executive board, and that the executive board voted, instructed him to refuse to comply with the subpoena in respect to the production of the books, papers, and records. Now, I ask you if you participated in that meeting of the executive board?

Mrs. CHODOROV. I didn't understand the executive board instructed him to refuse to comply with the subpoena. I don't believe I was present at that meeting of the board.

Mr. ADAMSON. Then you did not vote on the question?

Mrs. CHODOROV. I did vote by proxy or over the telephone.

Mr. ADAMSON. Then you did participate in the meeting to that extent?

Mrs. CHODOROV. Yes; but you said the executive board instructed Dr. Barsky to refuse to comply with the subpoena. I didn't have the feeling that he refused to comply with the subpoena.

Mr. ADAMSON. Well, what did you vote for when you voted over the telephone?

Mrs. CHODOROV. I voted in favor of a resolution which stated that, since Miss Bryan was the custodian of those books, there was no reason to change the custodianship of those books. She has always been custodian of the books, to my knowledge.

Mr. LANDIS. She was subpoenaed here too.

Mrs. CHODOROV. Yes.

Mr. ADAMSON. You knew that she had refused to produce the books, papers, and records; did you not?

Mrs. CHODOROV. Yes.

The CHAIRMAN. Now, Mrs. Chodorov, as a member of the board of directors of the Joint Anti-Fascist Refugee Committee—first I will ask you this question: Do you call that the board of directors or the executive board?

Mrs. CHODOROV. The Executive board.

The CHAIRMAN. The executive board of the Joint Anti-Fascist Refugee Committee?

Mrs. CHODOROV. Yes.

The CHAIRMAN. That is the governing body of that organization; is it not?

Mrs. CHODOROV. I guess you could say that.

The CHAIRMAN. Well, they control the policy of the organization: do they not?

Mrs. CHODOROV. Yes.

The CHAIRMAN. And they control their employees?

Mrs. CHODOROV. I could not honestly say to what extent they control the employees.

The CHAIRMAN. If the employees were to desist from carrying out the instructions or orders of the board, you would get rid of them and get somebody that would; would you not?

Mrs. CHODOROV. I would have to think about that.

The CHAIRMAN. You certainly have that authority, don't you? You have the authority to employ your employees, don't you?

Mrs. CHODOROV. I would like to think about it. Could I speak to my counsel?

The CHAIRMAN. Who employs Miss Bryan?

Mrs. CHODOROV. I imagine the executive board did. She was already in the employ of the organization when I joined the executive board.

The CHAIRMAN. Don't you feel that as a member of that executive board, if a majority of the board determined that they were dissatisfied with her actions in connection with her official duties they could get rid of her and get somebody else?

Mrs. CHODOROV. I have never been presented with that question, so I could not answer honestly right now.

The CHAIRMAN. Very well. You voted for the resolution?

Mrs. CHODOROV. Yes.

The CHAIRMAN. That was presented?

Mrs. CHODOROV. Yes.

The CHAIRMAN. Now I will ask you one other question. You haven't got those documents that are called for in the subpoena with you, have you? I don't want any statement read. I don't want your statement read. I just want to know if you have got them.

Mrs. CHODOROV. In answer to your question I have been served—

The CHAIRMAN (interposing). I don't want to be rude. I just asked you a question. Have you got the books and papers?

Mrs. CHODOROV. I don't want to be rude, but I will say in answer to your question that I have been served with a subpoena—

The CHAIRMAN (interposing). We are not going to permit any reading.

Mrs. CHODOROV. I am very sorry, sir, that is my answer to your question. [Reading]:

I have been served with a subpoena requiring me to appear——

The CHAIRMAN (interposing). Just a moment—we are not going to permit you to read that statement.

Mrs. CHODOROV. I am sorry, but I can't answer your question otherwise. This is my answer.

The CHAIRMAN. Do you know whether you have got the papers?

Mrs. CHODOROV. I don't refuse to answer your question. I have an answer, which is that I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence——

The CHAIRMAN (interposing). Now, Mrs. Chodorov, let us go along here in a decorous way. We have got a copy of your statement here before us. I have asked you a very courteous, simple question, whether or not you have got the records with you. Have you got them?

Mrs. CHODOROV (reading):

I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me.

The CHAIRMAN. Just a moment—you haven't got them, then, have you?

Mrs. CHODOROV. I do not have control of them.

The CHAIRMAN. Can you say you haven't got them?

Mrs. CHODOROV. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are not in my possession. I do not have them in my possession.

The CHAIRMAN. Well then, answer the question.

Mrs. CHODOROV. I do not have them in my possession.

The CHAIRMAN. Then they are not here, are they?

Mrs. CHODOROV. I have no control over them.

The CHAIRMAN. They are not here, are they?

Mrs. CHODOROV. I personally have no control over them.

The CHAIRMAN. Then they are not here?

Mrs. CHODOROV. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession——

The CHAIRMAN (interposing) I say, they are not here, are they?

Mrs. CHODOROV. They are not in my possession. They are in the possession of Miss Bryan. That is my statement.

The CHAIRMAN. You haven't got them here then, have you?

Mrs. CHODOROV. I personally haven't got them here.

The CHAIRMAN. And so far as you know, they are not here, are they?

Mrs. CHODOROV. I do not—I am speaking as Marjorie Chodorov, and I do not have them in my possession.

The CHAIRMAN. I will ask you, then, what effort, if any, you have made, as a member of this executive committee, to obtain them, bring them here?

Mrs. CHODOROV. I personally cannot bring the books and records.

The CHAIRMAN. I asked you if you had made any effort.

Mrs. CHODOROV. In what way?

The CHAIRMAN. By conferring with the other members of the board and getting their consent, along with yours, to bring them here. Have you done that?

Mrs. CHODOROV. I think that is a legal question. May I have time to consult counsel?

The CHAIRMAN. No; you know what it is. It is a fact. If it exists: it is a fact.

Mrs. CHODOROV. I personally have done nothing with the members of the board.

The CHAIRMAN. Now I will ask you this further question: Are you willing now, as an individual member of the executive board of the Joint Anti-Fascist Refugee Committee, to permit this committee of Congress to inspect the records called for in the subpoena? As an individual member of that board are you willing now personally to permit that to be done?

Mrs. CHODOROV. Well, that is something I would certainly have to consider. I would have to think about that. I am not prepared to answer.

The CHAIRMAN. When were you served with the subpoena?

Mrs. CHODOROV. Friday evening.

The CHAIRMAN. And this is Thursday. You were served a week ago tomorrow.

Mrs. CHODOROV. Yes.

The CHAIRMAN. You were served 6 days ago?

Mrs. CHODOROV. Yes.

The CHAIRMAN. You have had 6 days to consider it. Have you arrived at no conclusion about it yet?

Mrs. CHODOROV. No; I haven't thought about it.

The CHAIRMAN. So then, in answer to the question that I asked you, whether or not you are now willing, you decline to answer because you have not made up your mind? Is that right?

Mrs. CHODOROV. I guess that is right. I guess I would have to consider it more carefully.

The CHAIRMAN. Very well, you may be excused.

(Mrs. Chodorov presented the following paper:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

(Witness excused.)

Mr. LANDIS. You see what they did there, they voted not to give Barsky authority to give us the papers, but they did not vote to give Bryan the authority to give us the papers. There ought to be another question asked there: If they would vote to allow Miss Bryan or Dr. Barsky, either one, to give us the papers. Of course it covers it if we get the papers. You see the point now, that Miss Bryan has got custody of the papers, and they voted to not let Dr. Barsky deliver them, but they did not vote on not letting Miss Bryan deliver them.

Mr. ADAMSON. What they did was to tell them to confer with the attorney for the Anti-Fascist Refugee Committee and do whatever the attorney told them to.

Mr. LANDIS. But I think you could handle the question if you ask them if they are now willing to let us have access to the papers.

Mr. ADAMSON. I will call Howard Fast.

TESTIMONY OF HOWARD FAST, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your full name and your address to the reporter?

Mr. FAST. May I consult with counsel?

Mr. ADAMSON. Identify yourself for the record first.

Mr. FAST. My name is Howard Fast. My address is 315 Central Park West, New York City.

The CHAIRMAN. Mr. Fast, in reply to your question about counsel, if in the course of the examination any questions are asked you that involve a legal question that you feel you should confer with your counsel about before answering it, if it involves a legal matter, at your request you will be permitted to retire and confer with him. Who is your counsel?

Mr. FAST. Mr. Wolf, Benedict Wolf.

The CHAIRMAN. Does he represent you personally or the Joint Anti-Fascist Refugee Committee?

Mr. FAST. I know he represents me personally, and I believe he represents practically every one out there.

Mr. ADAMSON. Very well, sir. You are here today in answer to a subpoena served upon you by this committee which directs you to produce certain books, papers, and records; is that correct?

Mr. FAST. Yes, sir.

Mr. ADAMSON. And do you have the copy of your subpoena with you?

Mr. FAST. Yes, sir [producing the subpoena].

Mr. ADAMSON. Mr. Chairman, I offer this as part of the record in connection with the testimony of this witness.

The CHAIRMAN. It will be admitted.

(The subpoena served on Mr. Howard Fast, 315 Central Park West, New York City, follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Mr. Howard Fast, 31 Central Park West, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March, 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

MR. MUNDT. Before we ask him any questions I would like to complete the identification. Where are you employed?

MR. ADAMSON. I was going to ask him that. What is your business, Mr. Fast?

MR. FAST. I am a novelist.

MR. ADAMSON. You are a writer?

MR. FAST. Yes, sir.

MR. ADAMSON. And you are a member of the board of the Joint Anti-Fascist Refugee Committee?

MR. FAST. Yes, sir.

MR. ADAMSON. How long have you been a member of the board?

MR. FAST. I would say approximately 2 years.

MR. ADAMSON. I believe the proper title for that is the executive board; is that correct?

MR. FAST. Yes, sir.

MR. ADAMSON. Now, your chairman, Dr. Barsky, has previously testified before this committee that when he was served with a subpoena at a prior time he laid the matter of whether he should comply with this subpoena for the production of the books, papers, and records of this Joint Anti-Fascist Refugee Committee before your executive board, and the executive board voted, instructed him not to comply with the subpoena in respect to the production of the books, papers, and records.

First I want to ask you if you were present personally at that meeting of the board?

MR. FAST. No; I was not.

MR. ADAMSON. And did you participate in the voting on that question either by proxy or otherwise?

MR. FAST. Yes; I was consulted on the telephone, to ask me whether my sentiments were in accord with those of the executive board.

MR. ADAMSON. And Dr. Barsky, I believe, told us that the board was unanimous in that decision; so did you vote in the affirmative?

MR. FAST. Well, I voted that since Helen Bryan was the custodian of the books, I saw no reason why she should be transferred for Dr. Barsky.

MR. ADAMSON. And you voted, then, to instruct Dr. Barsky not to produce the records, in accordance with his testimony; is that correct?

MR. FAST. I did not vote on any such question. I voted, as I said, on the matter of transferring the custodianship of the books from Helen Bryan to Dr. Barsky.

MR. LANDIS. Let me ask a question right there. You knew that Helen Bryan had also been subpoenaed to produce the books and records and papers?

MR. FAST. I don't know chronologically whether I knew it at that moment. I eventually knew, of course.

MR. ADAMSON. Mr. Fast, are you a citizen of the United States?

MR. FAST. Yes, sir.

MR. ADAMSON. And you are a native-born citizen?

Mr. FAST. Yes, sir.

Mr. ADAMSON. Of New York?

Mr. FAST. Yes, sir.

Mr. RANKIN. How old are you?

Mr. FAST. Thirty two.

Mr. RANKIN. Were you in the service in this war?

Mr. FAST. I was not. But I would like to add, since that is not a pertinent question, I was physically disabled. I worked for the Office of War Information, and I worked for the Signal Corps.

Mr. ADAMSON. No one is questioning your motives, sir, about why you were not in the service. It is clearly a matter of identification.

Can you tell us now whether or not you have produced here today the books, papers, and records called for by the subpoena which was served upon you? Now don't start reading a statement, because we have already heard all about them, and please save us the time. Just answer the question whether or not you have brought them.

Mr. FAST. The only way I can answer it is by reading this statement.

Mr. ADAMSON. No; we won't let you read that because we are pressed for time, Mr. Fast, and the committee is not going to let you read it.

The CHAIRMAN. If you will pardon me, Mr. Adamson, let me ask, Are you a graduate of any college?

Mr. FAST. No; I am not.

The CHAIRMAN. Are you a high-school graduate?

Mr. FAST. Yes.

The CHAIRMAN. From where?

Mr. FAST. I graduated from George Washington High School.

The CHAIRMAN. Now, you know what you have got with you here, don't you? You can tell this committee what is in your pockets, can't you?

Mr. FAST. I certainly can.

The CHAIRMAN. Have you got the books that are called for in that subpoena in your pockets or with you here?

Mr. FAST. I will answer that question by——

The CHAIRMAN (interposing). No; just answer it "Yes" or "No." Have you got them here or not?

Mr. FAST. I will have to answer it in this fashion.

The CHAIRMAN. No; I am not concerned about your reading your statement. You know whether you have got them with you or not.

Mr. FAST (reading):

Mr. Chairman, I have been served——

The CHAIRMAN (interposing). No; I just told you we don't want to hear a written statement. We have got the statement here on the desk, copies of it that you are fixing to read.

Mr. FAST. You are asking me a question. I want to answer that question in this way.

The CHAIRMAN. We want you to answer it "Yes" or "No." That is the simple way to answer it. Have you got them?

Mr. FAST (reading):

I have been served with a subpoena requiring me to appear——

The CHAIRMAN (interposing). I didn't ask you about that. You have already told us you have been served with a subpoena.

Mr. FAST. I have to answer the question this way.

Mr. MUNDT. You can answer the question "Yes" or "No."

Mr. FAST. You are asking me a question, and I have the right to answer that question as I see fit.

The CHAIRMAN. You can answer the question, then make whatever explanation you want to make. Have you got the books and papers here?

Mr. FAST. Will you permit me to answer the question?

The CHAIRMAN. Yes; answer it "Yes" or "No."

Mr. FAST. I am going to answer the question—

The CHAIRMAN (interposing). No; we don't want you to read the statement. We want you to answer the question. You are a man of average intelligence at least. Let us not try to evade or hedge.

Mr. FAST. I am not trying to hedge.

The CHAIRMAN. All right; have you got the books?

Mr. FAST. I have a statement here which is my answer to that question. I wish to read that statement.

The CHAIRMAN. But we don't want to hear your written statement. We want to know whether you have got the books and papers. I will ask you, What effort have you made to get them here—any?

Mr. FAST. I don't see that I can answer that question. You ask me what effort have I made?

The CHAIRMAN. Yes. Have you consulted with other members of the executive board?

Mr. FAST. I have no right to those books, any more than any other citizen has, so how could I make an effort to get them?

The CHAIRMAN. You haven't got any right to them?

Mr. FAST. Helen Bryan is the custodian of those books. I personally have no right to them.

The CHAIRMAN. Doesn't the executive committee of the Joint Anti-Fascist Refugee Committee control the policy of that organization?

Mr. FAST. It makes the policy of that organization.

The CHAIRMAN. And it employs the people who are employed by it, doesn't it?

Mr. FAST. I don't know. I have never been consulted on the employment of any employee.

The CHAIRMAN. You mean to say that you have no opinion now about whether or not you, as a member of that board, and the other members of that board, could direct the employment of whoever works for you. Is that what you mean to tell this committee?

Mr. FAST. Frankly, I don't know.

The CHAIRMAN. Then I will ask you if you personally have made any effort by consulting with the other members of the board, or advising with them about complying with this subpoena? Have you made any effort to do that?

Mr. FAST. I don't understand your question.

The CHAIRMAN. Have you conferred with other members of the board in an effort to comply with this subpoena? Did the board consent unanimously, or a majority of them, consent to comply with this subpoena?

Mr. FAST. The subpoena was served upon me as an individual. As an individual I was unable to comply with the request to produce those books.

The CHAIRMAN. Have you made any effort to get the other members of the board to help you to produce them?

Mr. FAST. But the subpoena was served on me as an individual. It would have been illegal for me as an individual to attempt to bring those books.

The CHAIRMAN. Let me ask you this question: If the majority of the members of the executive board of the Joint Anti-Fascist Refugee Committee should take affirmative action to comply with that subpoena, it could be complied with, could it not—would it not?

Mr. FAST. I cannot say what would be the case if a majority of the members had voted on that.

The CHAIRMAN. Then will you please tell us what authority can do it?

Mr. FAST. You see there is no executive board meeting since that subpoena was served on me.

The CHAIRMAN. Then you have not made any effort to have one called, have you?

Mr. FAST. I personally saw no reason—

The CHAIRMAN (interposing). Just answer the question. Have you made any effort to have one called?

Mr. FAST. I could not call an executive board meeting.

The CHAIRMAN. I didn't ask you that. I asked you if you had made any effort to do it?

Mr. FAST. I saw no reason to.

The CHAIRMAN. Have you requested it?

Mr. FAST. Requested what?

The CHAIRMAN. Requested a meeting of the board to discuss the question, to discuss the matter.

Mr. FAST. No; I did not request a meeting of the board.

The CHAIRMAN. That is a fair answer. Now I will ask you this question: As a member of the executive board of the Joint Anti-Fascist Refugee Committee are you individually willing now to permit this committee to have access to the documents called for in the subpoena that has been served on you?

Mr. FAST. I don't think what I think at this moment is pertinent. I don't think so.

The CHAIRMAN. I ask you now if you personally are willing. You know whether you are or not.

Mr. FAST. You are asking for my state of mind, my thoughts on it. I don't think that my individual thoughts are pertinent to the inquiry.

The CHAIRMAN. Do you decline to answer the question for that reason?

Mr. FAST. I didn't say that I declined to answer the question.

The CHAIRMAN. Will you say whether you do or not?

Mr. FAST. I simply said that I don't think it is pertinent. If you think it is pertinent, then I will go out and consult with my counsel.

The CHAIRMAN. How can your counsel help you to make up your mind about it?

Mr. FAST. He can tell me whether or not the question is pertinent, which is all I want to know.

The CHAIRMAN. You are assuming that it is impertinent, aren't you?

Mr. FAST. Not impertinent; nonpertinent.

The CHAIRMAN. That is not pertinent.

Mr. FAST. I am not assuming so. I am simply saying I don't know whether it is pertinent.

The CHAIRMAN. And for that reason you decline to answer?

Mr. FAST. I don't decline to answer.

The CHAIRMAN. Then please answer it.

Mr. FAST. I don't know whether it is pertinent or not.

Mr. LANDIS. We think it is.

The CHAIRMAN. We are not concerned about your opinion about it. We want to know whether you are going to answer or whether you are not.

Mr. FAST. You think it is pertinent?

The CHAIRMAN. Yes.

Mr. FAST. Then I would ask for the privilege to go out and consult with my counsel on whether it is a pertinent question.

The CHAIRMAN. The question is will you answer it or not?

Mr. FAST. Before I make up my mind I would like to consult with my counsel on whether it is pertinent.

The CHAIRMAN. Very well. Let him consult with counsel on that one question.

(The witness retired from the hearing room for a few minutes.)

Mr. FAST. I will answer the question in this fashion—will you repeat it?

The CHAIRMAN. Yes. The question asked you was whether or not you now, as an individual member of the executive board of the Joint Anti-Fascist Refugee Committee, are willing for this committee of the Congress to have access to the documents called for in the subpoena that has been served upon you?

Mr. RANKIN. Upon the board.

The CHAIRMAN. Upon you individually and upon the board, the subpoena that you have produced here. Are you willing as an individual member of that board to permit this committee of Congress to have access to those documents?

Mr. FAST. I can only say what I would do as a member of the executive board at a meeting of the executive board itself, where there is exchange of opinions and discussion. I would then arrive at a conclusion. I cannot arrive at such a decision sitting here in this room as an individual.

Mr. MUNDT. Mr. Chairman, the gentleman went out to consult his attorney concerning a very specific question. I doubt whether, in the opinion of Benedict Wolf, the chairman's question was pertinent. Did he say it was pertinent or did he say it was not pertinent?

Mr. FAST. He said "Answer it."

Mr. MUNDT. Did he say it was pertinent or not pertinent? That is what you wanted to ask him.

Mr. FAST. I would have to go out and ask him again.

Mr. MUNDT. You went out there to ask him that question.

(The witness retired from the hearing room for a few minutes.)

The CHAIRMAN. What did your counsel advise you?

Mr. FAST. Counsel advised me that your question as to his thought on the pertinence or nonpertinence of this matter is not pertinent.

The CHAIRMAN. And for that reason you decline to answer? Is that right?

Mr. FAST. For that reason he declines to tell me.

Mr. MUNDT. Who declines to tell you what?

Mr. FAST. He said it is not pertinent, and that should be my response.

Mr. MUNDT. I want to find out whether your lawyer told you that the chairman's question was pertinent or not pertinent. That is what you went out to ask him.

Mr. FAST. Yes; and he said that whether or not he told me it is pertinent or not pertinent is not pertinent.

Mr. MUNDT. In other words, you now refuse to tell us whether or not he told you the question was pertinent or not pertinent?

Mr. FAST. I have repeated to you precisely what he said.

Mr. MUNDT. I am talking about you now. I want to know whether your lawyer told you the question was pertinent or not pertinent; not what the lawyer told you to tell us. Did your lawyer tell you that the question was pertinent or was not pertinent?

Mr. FAST. I didn't ask him that question.

Mr. MUNDT. Go out and ask him. Find out. That is what you went out for. You told us you were going out to ask him that question.

Mr. FAST. I did ask him now in this fashion, and he said "It is not pertinent for you to ask me this question."

The CHAIRMAN. The lawyer ruled that your question was impertinent to him? Is that right?

Mr. FAST. I have got a lawyer—do you want me to go out and ask him again?

The CHAIRMAN. You have consulted with your lawyer twice now. Will you now please answer the question that I asked you, whether or not you, as an individual member of the executive board of the Joint Anti-Fascist Refugee Committee, are willing for this committee of Congress to have access to the records called for in that subpoena?

Mr. FAST. How can I answer as an individual unless I am acting as a member in a board meeting?

The CHAIRMAN. Do you know when you are not at a board meeting?

Mr. FAST. I would know that at a board meeting, where there would be exchange of opinion and discussion.

The CHAIRMAN. Do you know it here?

Mr. FAST. I can't say here what I would do as a member of the executive board. The policy of the executive board is for the board meeting to make.

The CHAIRMAN. Can you say here whether or not you are willing for us to see the books?

Mr. FAST. No; I can't say that. All I can say here is that I would sit down in executive board meeting and arrive at an opinion.

The CHAIRMAN. Let me ask you this question then: Would you say that you are willing for us to see them or do you decline to answer?

Mr. FAST. How can I answer that question as an executive board member? I have the right to discuss the matter with the executive board and to come to a decision with the executive board, and that decision is arrived at out of discussion, out of the exchange of opinions.

The CHAIRMAN. Then by that I understand you to mean that you have made up your mind that you have not made up your mind about it at all? Is that right?

Mr. FAST. Well, again I would fall back on the fact that at our executive board meeting—

The CHAIRMAN (interposing). You know whether you have made up your mind or not. Have you or have you not?

Mr. FAST. Well, I have made up my mind about the fact that Helen Bryan is the legal custodian of our books.

The CHAIRMAN. I didn't ask you that question. I asked you whether or not you have made up your mind as to whether you are willing, individually, you yourself, for us to see those records?

Mr. FAST. How can I as an individual decide whether you should see these records?

The CHAIRMAN. I didn't ask you that question at all. I have asked you whether you, as an individual, are willing for us to see them, as an individual member of the board?

Mr. FAST. As an individual member, not as an individual of the board, but as an individual person?

The CHAIRMAN. As an individual member of the board are you willing for us to see these records?

Mr. FAST. As an individual member of the board I could not come to a conclusion or decision on that question until I sat down at a board meeting and discussed the matter very seriously.

The CHAIRMAN. When were you served with the subpoena?

Mr. FAST. I believe it was Thursday morning, or Friday morning, last week.

The CHAIRMAN. And this is Thursday of this week, so you had approximately a week since you were served until you appeared here in conformity with the subpoena.

Mr. FAST. Yes, sir.

The CHAIRMAN. During that week have you made any effort to make up your mind about it?

Mr. FAST. During that week there was no meeting of the executive board.

The CHAIRMAN. Have you made any attempt to have a meeting of the executive board?

Mr. FAST. I don't call meetings.

The CHAIRMAN. I didn't ask you that. I asked you have you made any effort to have one called?

Mr. MUNDT. He answered that previously. He said "No," he had not.

Mr. FAST. Do you want me to answer it again?

The CHAIRMAN. I don't think you have answered it.

Mr. FAST. As an individual I did not take steps to have a meeting of the executive board called.

Mr. LANDIS. Let me ask this question: Who prepared this statement you have here?

Mr. FAST. My counsel, Benedict Wolf.

Mr. LANDIS. And did you have a meeting that prepared the statement? Did you have a meeting on this prepared statement?

Mr. FAST. A meeting on the preparation of those statements, a meeting of the executive board?

Mr. LANDIS. No, just a meeting to have the papers drawn up or anything about it? Was there a meeting to discuss it or anything?

Mr. FAST. Once the statement was prepared, Mr. Wolf discussed the statement with each of us, sometimes with individuals, and sometimes with several others together.

Mr. LANDIS. Was that last week or this week? Do you recall?

Mr. FAST. That was this week.

Mr. RANKIN. You know that these are all just typewritten copies of the same statement?

Mr. FAST. Yes, sir.

Mr. RANKIN. Written by your lawyer, who has never been before this committee at all, so you are just coming in here and asking to read a typewritten statement written by your lawyer, aren't you?

Mr. FAST. No; that becomes my statement when I agree with it.

Mr. RANKIN. I understand, but it was written by your lawyer and you know it was written by your lawyer, and he gave all the rest of the board a copy of it and sent them in here to read the statement, didn't he?

Mr. FAST. For me to make a statement I don't have to write it myself. I read and I agree with that statement.

Mr. RANKIN. I understand. I just want to get it into the record to show that some lawyer on the outside wrote all these answers for you witnesses and sent them in here to try to read a statement to this committee.

Mr. FAST. Not a lawyer on the outside. My own counsel prepared the statement, Mr. Benedict Wolf.

Mr. RANKIN. He wrote all these answers, didn't he?

Mr. FAST. He prepared my statement.

Mr. RANKIN. Have you compared your statement with the others?

Mr. FAST. I have not gone to the trouble of comparing them.

Mr. ADAMSON. It is true they are all the same. All of them are just exactly the same, carbon copies of the same statement.

Mr. RANKIN. Some lawyer prepared them for you and sent you witnesses in here to read them, all of you to read the same statement?

Mr. FAST. No lawyer sent me in here. He is my lawyer and my counsel.

Mr. THOMAS. What is your lawyer's address?

Mr. FAST. 160 Broadway.

Mr. LANIS. If Miss Helen Bryan is the custodian of those books and records, as a member of the board would you be willing for her to give us access to these books, records, and papers?

Mr. FAST. The executive board sometimes advises Helen Bryan to consult with counsel and to take steps within the limits of the law to protect the books.

The CHAIRMAN. That is not in response to the question that was asked you. The question was asked you whether or not you, as a member of the executive board, would now be willing to direct Miss Bryan to permit this committee to inspect the records?

Mr. FAST. I answered the question by giving the last formal decision of the executive board.

The CHAIRMAN. And you still conform to that?

Mr. FAST. There has not been another meeting since that.

The CHAIRMAN. I am asking about you. I am not asking about the board.

Mr. FAST. I said before that these decisions are arrived at out of discussion and argument at meetings of the executive board.

The CHAIRMAN. You recognize the fact, of course, that you are under oath, don't you?

Mr. FAST. I certainly do.

The CHAIRMAN. And have you got now any opinion at all about your attitude with reference to the production of these books to this committee of Congress?

Mr. FAST. I don't think my opinions are pertinent to this inquiry.

The CHAIRMAN. For that reason you decline to answer that question?

Mr. FAST. I have not said that I decline to answer it.

The CHAIRMAN. Then do you decline?

Mr. FAST. I don't think that my personal opinion is pertinent to the inquiry.

Mr. LANIS. If you had a vote, would you vote to instruct Miss Bryan to give us access to these records?

Mr. FAST. I don't know how I would vote because I do not have any preconceived notions before going into an executive-board meeting.

The CHAIRMAN. You don't know how you would vote?

Mr. FAST. That's right. I don't know how I would vote, and I wouldn't know and couldn't know until I arrived at the executive board meeting and discussed the matter with the members of the executive board formally.

The CHAIRMAN. Can you tell us who you think could make up your mind about it?

Mr. FAST. Who could make up my mind? I could make up my mind.

The CHAIRMAN. Will you try to do it for us here and now?

Mr. FAST. But I just said I would not make up and could not make up my mind on that question, which I regard as a very serious question, unless there were a meeting of the executive board.

The CHAIRMAN. So then, until a meeting of the executive board is called, you would not say that you would be willing now for us to see the books?

Mr. FAST. Until such a meeting is called I cannot give a definite answer on a very serious question.

The CHAIRMAN. Very well. I think that is all.

Mr. ADAMSON. Let me ask you one question. Is there some authority or secret power that is above the executive board, that controls the custody of these books, papers, and records?

Mr. FAST. I cannot think who you are referring to, unless it is God.

Mr. ADAMSON. I am asking you. Do you know of any?

Mr. FAST. I know of no authority in the terms you describe except God.

Mr. ADAMSON. So the executive board is the supreme power with regard to these books, papers, and records?

Mr. FAST. I would say so; yes, sir.

Mr. ADAMSON. That's all.

The CHAIRMAN. You are excused.

(Mr. Fast submitted the following paper:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have

either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

(Witness excused.)

Mr. ADAMSON. I will call Mrs. Ernestina G. Fleischman.

Mr. RANKIN. I am going to make a suggestion to the committee. I am of the opinion that these prepared statements ought to go into the record to show that they are all the same thing, just carbon copies. Every single witness that has appeared here has submitted the same statement. What do you say, Mr. Chairman?

The CHAIRMAN. I think they should go in; yes.

Mr. ADAMSON. I will call James Lustig.

TESTIMONY OF JAMES LUSTIG, LONG ISLAND CITY, N. Y.

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Mr. Lustig, will you give your name and residence address?

Mr. LUSTIG. I would like to have my lawyer in here.

Mr. ADAMSON. Give your name and address to the reporter first, so we can identify you.

Mr. LUSTIG. James Lustig, 2107 Forty-seventh Avenue, Long Island City, N. Y.

The CHAIRMAN. Mr. Lustig, during these hearings the committee policy has uniformly been that we do not permit lawyers in the committee room during executive sessions. If during the course of your examination any matter arises involving legal questions about which you desire to consult your counsel, you can go out and consult him.

Mr. ADAMSON. Now, Mr. Lustig, were you served with a subpoena from this committee, directing your appearance here today and directing you to produce books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Mr. LUSTIG. I was.

Mr. ADAMSON. And where were you served with the subpoena?

Mr. LUSTIG. In Washington, D. C.

Mr. ADAMSON. Have you got the copy that was left with you? [The witness produced the subpoena.]

Mr. Chairman, I offer this as part of the record in connection with the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena served on James Lustig follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon James Lustig, Burlington Hotel, Vermont Avenue and Thomas Circle, Washington, D. C., a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the

period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 3d day of April 1946.

JOHN S. WOOD, *Chairman.*

Attest :

JOHN W. CARRINGTON, *Clerk.*

Mr. ADAMSON. Now, Mr. Lustig, are you a citizen of the United States?

Mr. LUSTIG. Yes, I am.

Mr. ADAMSON. Are you a native-born citizen or naturalized?

Mr. LUSTIG. Naturalized.

Mr. ADAMSON. Where did you come from originally?

Mr. LUSTIG. From Hungary.

Mr. ADAMSON. How long have you been here?

Mr. LUSTIG. Since 1921.

Mr. ADAMSON. How old are you now?

Mr. LUSTIG. Forty-three.

Mr. ADAMSON. When were you naturalized?

Mr. LUSTIG. In 1928.

Mr. ADAMSON. At what point?

Mr. LUSTIG. In New York City.

Mr. ADAMSON. And you have been a resident of the New York area ever since?

Mr. LUSTIG. That's right.

Mr. ADAMSON. What form of business are you in, Mr. Lustig?

Mr. LUSTIG. I am representing the United Electrical Radio Machine Workers of America in the form of district representative.

Mr. ADAMSON. You say "district representative." Are you an organizer or one of the executive officials? What do you call that?

Mr. LUSTIG. I am a representative of the union. I am not doing any organizing. My job is not organizing. My job is to negotiate agreements and things of that sort.

Mr. MUNDT. Which district?

Mr. LUSTIG. District 4, New York and northern New Jersey.

Mr. ADAMSON. When you say "New York" do you mean New York City or New York State?

Mr. LUSTIG. Metropolitan New York.

Mr. ADAMSON. Are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mr. LUSTIG. I am.

Mr. ADAMSON. How long have you been a member of the board?

Mr. LUSTIG. I believe a year ago.

Mr. ADAMSON. Dr. Barsky, your chairman, has previously testified before the committee that when he was served with a subpoena some time ago, directing him to produce books, papers, and records of the Joint Anti-Fascist Refugee Committee, he laid the matter before your executive board, and that the executive board voted, instructed him to refuse to produce the books and papers in compliance with that subpoena. I want to ask you if you participated in that meeting?

Mr. LUSTIG. I was not present at the meeting.

Mr. ADAMSON. Did you participate in the meeting by voting through a proxy or in some other manner?

Mr. LUSTIG. I believe I voted on this particular subject matter.

Mr. ADAMSON. How did you vote? By telephone?

Mr. LUSTIG. I believe so.

Mr. ADAMSON. You mean that someone called you up from the office and you told them how you voted?

Mr. LUSTIG. Yes, sir.

Mr. ADAMSON. And do you remember who it was called you and told you about it?

Mr. LUSTIG. No; I do not.

Mr. ADAMSON. Was it someone that you recognized as being a person authorized to talk from the office?

Mr. LUSTIG. I understood that somebody from the committee was on the other side of the wire, and I expressed my opinion about the subject matter.

Mr. ADAMSON. Will you tell us now what was your action on the matter that you expressed to them over the telephone?

Mr. LUSTIG. I believe the vote was unanimous. That is obvious how I voted.

Mr. ADAMSON. Now, I want to ask you if you have produced here today the books, papers, and records called for by the subpoena which was served upon you?

Mr. LUSTIG. In relation to that, I have a written answer which I would like to read.

The CHAIRMAN. Mr. Lustig, I will make this statement to you: We are putting all of those in the record. They are all in the record.

Mr. LUSTIG. You wish me to read it?

The CHAIRMAN. They will all be in the record.

Mr. THOMAS. Let him read it.

The CHAIRMAN. We are going to put it in the record.

Mr. RANKIN. I will say to you, Mr. Lustig, a copy of the same statement, which they say was written by a lawyer for them, has been submitted by the other witnesses.

Mr. LUSTIG. So I understand.

Mr. RANKIN. In other words, your testimony is just a statement by a lawyer written on the outside.

The CHAIRMAN. Let me interrogate him about that, if I may. Where did you get the statement that you are about to read?

Mr. LUSTIG. I don't think that is material.

Mr. MUNDT. Other witnesses said they got it from Benedict Wolf. You have the same thing?

Mr. LUSTIG. I must not testify in behalf of anybody else but myself.

Mr. MUNDT. I am asking you whether your attorney, Mr. Benedict Wolf, prepared it.

Mr. LUSTIG. He is the legal counsel.

The CHAIRMAN. Would you mind saying whether or not he prepared the statement?

Mr. LUSTIG. I don't think that is material to the issue.

The CHAIRMAN. You decline to answer that question?

Mr. LUSTIG. Yes.

The CHAIRMAN. Now you may read it.

Mr. LUSTIG (reading):

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Mr. RANKIN. Now, Mr. Chairman, I want the record to show that this is a verbatim copy of the statement that has been offered by the other witnesses.

Mr. LUSTIG. May I ask, Mr. Chairman, whether I am requested to hand that statement over to you?

The CHAIRMAN. Oh, yes; we are going to put it in the record.

Mr. RANKIN. You have read it. It now belongs to the committee. Now, who wrote that?

Mr. LUSTIG. I can't answer.

Mr. RANKIN. He is in contempt if he doesn't answer that, Mr. Chairman. You decline to answer the question?

Mr. LUSTIG. Because I don't think it is material.

Mr. RANKIN. That is all right. We don't care what you think about it.

The CHAIRMAN. Now, Mr. Lustig, who controls the policy of the Joint Anti-Fascist Refugee Committee?

Mr. LUSTIG. The board.

The CHAIRMAN. There is no higher authority than the board of directors, the executive board, is there?

Mr. LUSTIG. There is not.

The CHAIRMAN. In fact, there is no other authority at all except the board of directors?

Mr. LUSTIG. That is correct.

The CHAIRMAN. I want to ask you as an individual member of the executive board of the Joint Anti-Fascist Refugee Committee, whether or not you are now willing to give your consent, as a member of that board, your individual consent as a member of that board, to making available these records called for in this subpoena that was served on you, making those records available to the committee?

Mr. LUSTIG. I believe that question is not pertinent to the subject matter.

The CHAIRMAN. I just want to find out whether you will answer it or whether you decline to answer it.

Mr. LUSTIG. My answer is that the question is not pertinent.

The CHAIRMAN. For that reason you decline to answer it?

Mr. LUSTIG. That is right.

The CHAIRMAN. That is all.

Mr. MUNDT. Mr. Lustig, you said you came to this country in 1921?

Mr. LUSTIG. That is correct.

Mr. MUNDT. And was naturalized in 1924?

Mr. LUSTIG. No; in 1928.

Mr. MUNDT. Have you ever been a candidate for public office in the United States?

Mr. LUSTIG. I don't believe that is a question pertinent to the subject matter under discussion.

Mr. MUNDT. I am asking you that question.

Mr. LUSTIG. That is my answer.

Mr. MUNDT. You refuse to answer the question?

Mr. LUSTIG. My answer is that it is not pertinent to the inquiry.

The CHAIRMAN. And the question now is, Do you decline to answer for the reasons you have given, on account of the reasons you have given, that it is not pertinent? You decline to answer for that reason?

Mr. LUSTIG. That is right.

Mr. MUNDT. Have you a brother by the name of Bela Lustig?

Mr. LUSTIG. That is correct.

Mr. MUNDT. Is he in the United States?

Mr. LUSTIG. No; he is not.

Mr. MUNDT. Where is he, in the Western Hemisphere?

Mr. LUSTIG. No; he is not. He is in Hungary.

Mr. MUNDT. Has he ever made application for admission to the United States?

Mr. LUSTIG. I don't think that question is pertinent to the inquiry.

Mr. MUNDT. Do you decline to answer it for that reason?

Mr. LUSTIG. Yes.

Mr. MUNDT. Have you another brother by the name of Herman Lustig?

Mr. LUSTIG. No.

The CHAIRMAN. Let me ask you in that connection—this might be pertinent—as a member of the executive board of the Joint Anti-Fascist Refugee Committee did you participate in any activities of that board looking toward the bringing of your brother into this country?

Mr. LUSTIG. Yes; of course.

The CHAIRMAN. And was the board successful in obtaining his entrance?

Mr. LUSTIG. The fact that he is in Hungary is the answer that the board was not successful?

The CHAIRMAN. The board was unsuccessful?

Mr. LUSTIG. Yes.

Mr. MUNDT. Do you know why they were unsuccessful?

Mr. LUSTIG. No.

Mr. MUNDT. You don't know the reason given?

Mr. LUSTIG. No. I wish I did know. Maybe you gentlemen can inform me.

Mr. THOMAS. I would like to ask a question there. Are you a member of the Communist Party?

Mr. LUSTIG. I don't think that question is pertinent to the inquiry.

Mr. THOMAS. Well, one of the things we are investigating, that this committee is investigating, is un-American activities, communism, fascism, nazism. I think that is a very pertinent question.

Mr. LUSTIG. Well, that is your opinion. My opinion is that it is not pertinent.

Mr. THOMAS. You decline then to say whether you are a member of the Communist Party?

Mr. LUSTIG. Yes.

Mr. THOMAS. Isn't it true that you did run as a Communist for public office?

Mr. LUSTIG. I answered that question, I believe, 5 minutes ago.

Mr. THOMAS. Not that exact question; no.

Mr. LUSTIG. It was exactly the same question. It is one of a different fashion.

Mr. THOMAS. If I should say it was true, would you deny it?

Mr. LUSTIG. The answer to the question is that it is not pertinent to the inquiry.

Mr. THOMAS. Well, if I should say it was true would you deny it?

Mr. LUSTIG. I would not deny it or sustain it.

Mr. THOMAS. How long have you been a representative of the union which you referred to before?

Mr. LUSTIG. Since the very inception of the organization.

Mr. THOMAS. What was that date?

Mr. LUSTIG. Under the present name, 10 years.

Mr. THOMAS. What are your duties with that union?

Mr. LUSTIG. What I explained at the beginning of the questioning. I am negotiating agreements, and I have been called in by local unions when they have certain problems in regard to hours and wages.

The CHAIRMAN. Now, you stated, as I understand, that under the present name the union has been in existence for 10 years. What was its name before that time?

Mr. LUSTIG. The International Association of Machinists.

The CHAIRMAN. How long did it exist under that title?

Mr. LUSTIG. Oh, 6 months, or so.

The CHAIRMAN. Were you connected with it under that name before it changed its name?

Mr. LUSTIG. Yes, sir.

Mr. BONNER. Do you have some personal reasons why these books should not be shown to this committee?

Mr. LUSTIG. I don't think that any personal matter enters into my judgment in relation to the affairs of the Joint Anti-Fascist Refugee Committee.

Mr. BONNER. You voted not to show the records to the committee, did you?

Mr. LUSTIG. I think the question—I voted for the resolution that I believe is in the possession of the committee.

Mr. BONNER. No; it is not. The committee has been denied access to the minutes of that meeting and the resolution.

Mr. LUSTIG. Well, you know the contents of the resolution.

Mr. ADAMSON. No; we do not.

Mr. LUSTIG. I believe it was explained, and my understanding of that particular motion was that Dr. Barsky is not to show the books because he is not custodian of the books, and we don't deem it advisable to change the custodian at the present time.

Mr. LANDIS. Did you know that Helen Bryan was subpoenaed to produce the books and papers?

Mr. LUSTIG. I know that.

Mr. LANDIS. Would you be in favor of her giving us access to the books and papers?

Mr. LUSTIG. It is up to her. I don't think I can speak in her behalf. I think she is able to speak for herself.

The CHAIRMAN. Mr. Lustig, in this connection you testified that the executive board of the Joint Anti-Fascist Refugee Committee was the supreme authority of the committee and the only authority?

Mr. LUSTIG. That's right.

The CHAIRMAN. That board can control the custodianship of your records in any way you want to; can they not?

Mr. LUSTIG. I believe it is also known to this committee as to what—

The CHAIRMAN (interposing). Just answer the question. They can control it?

Mr. LUSTIG. We have decided—

The CHAIRMAN (interposing). No; I say the committee can control it?

Mr. LUSTIG. I cannot answer that question.

The CHAIRMAN. Your executive board can control it? You can take them out and burn them up if you want to, can't you?

Mr. LUSTIG. I don't believe so; no, sir. That is absolutely wrong. We are functioning, as you well know, under the president's control board, and certainly—

The CHAIRMAN (interposing). The board designated Miss Bryan as the custodian, you say?

Mr. LUSTIG. That is correct.

The CHAIRMAN. They have authority to withdraw that if they want to?

Mr. LUSTIG. Withdraw it?

The CHAIRMAN. Withdraw the delegation of authority to her to control it.

Mr. LUSTIG. I suppose so.

The CHAIRMAN. And give it to anybody else you want to?

Mr. LUSTIG. I suppose so.

Mr. LANDIS. Did the board have anything to do with giving Helen Bryan possession of the papers so that they could not produce them?

Mr. LUSTIG. To my knowledge there was no decision made either way.

Mr. ADAMSON. You only voted, then, on the question of Dr. Barsky?

Mr. LUSTIG. That is right.

Mr. ADAMSON. Not Miss Bryan?

Mr. LUSTIG. That is right.

Mr. BONNER. Does she have the authority to show the records to this committee?

Mr. LUSTIG. She has the advice of the board as to her behavior in relation to the records.

Mr. BONNER. In other words, if she were asked to show the books, she would have to come to you and the other members to get permission to show them?

Mr. LUSTIG. I don't believe so.

Mr. BONNER. She doesn't have to do that?

Mr. LUSTIG. Well, you see, it is neither one way nor the other, the way you place it. She has to consult the legal attorney of the organization to find out as to what her behavior is to be.

Mr. BONNER. Not behavior?

Mr. LUSTIG. Her action.

Mr. BONNER. Whether she can do this or not?

Mr. LUSTIG. Yes.

Mr. BONNER. She would have to consult you and the other members of the board?

Mr. LUSTIG. She has to consult the legal counsel.

The CHAIRMAN. He is employed by the board?

Mr. LUSTIG. The legal counsel?

The CHAIRMAN. Yes.

Mr. LUSTIG. I am not quite sure about it, but I think——

The CHAIRMAN (interposing). Don't you know he would not be here if he was not employed by you?

Mr. LUSTIG. Whether he is employed or whether he volunteers his services, I am not familiar with that.

The CHAIRMAN. He represents your board?

Mr. LUSTIG. I presume he does.

Mr. MUNDT. What is the name of this attorney?

Mr. LUSTIG. Mr. Wolf.

Mr. MUNDT. What is his first name?

Mr. LUSTIG. Benedict Wolf.

Mr. THOMAS. What is his address?

Mr. LUSTIG. I don't know.

The CHAIRMAN. And if the attorney should give advice contrary to the wishes of the board, you have authority to dispense with his services and get somebody else, don't you?

Mr. LUSTIG. I don't know. We will have to cross that bridge when we get there.

The CHAIRMAN. Don't you know that in the light of the testimony you have already given, the board is the supreme authority in reference to this organization, that you can hire and fire anybody you want to? Don't you know that as a fact?

Mr. LUSTIG. Well, I have testified in the very beginning, to my knowledge the board is the highest authority in the organization.

The CHAIRMAN. Then I ask if you don't know as a fact that the board can employ whatever counsel they want to, and if the counsel that you do employ does not conform to the wishes of the board, they can dispense with his services any time they want to? You know that, don't you?

Mr. LUSTIG. Probably so.

The CHAIRMAN. Don't you know that? Under your oath don't you know it is true?

Mr. LUSTIG. I don't know whether that is pertinent to the inquiry.

The CHAIRMAN. I didn't ask you that. I asked you if you don't know that as a fact?

Mr. LUSTIG. I suppose the board can choose its own lawyers, like every other board.

The CHAIRMAN. Very well. Are there any further questions?

Mr. BONNER. Has the lawyer during his service any more authority than the board?

Mr. LUSTIG. I don't think that question is pertinent.

Mr. BONNER. That is your old fall-back. That is all you resort to, as to whether or not a matter is pertinent. I am just asking you for information.

Mr. LUSTIG. You have to fall back to something some time.

Mr. BONNER. To evade answering the questions.

Mr. LUSTIG. I don't know whether it is evasive or otherwise.

Mr. BONNER. Certainly it is. I want to be fair with you. I am trying to find out myself.

Mr. LUSTIG. That question was never discussed in our board, so I don't really know.

Mr. BONNER. That is not the question, whether it was ever discussed in your board or not. We are sitting here just like two American citizens—I suppose you, as an American citizen, are loyal to this country; I know I am, and I hope you have the same interest in this country that I have. I merely asked you that question to try to find out myself who does have the authority, and you evade the question. That is the only reason I asked you. You apparently are trying to shadow my statement when you resort to subterfuge. Every witness that has been in here has resorted to that same means instead of answering the questions. They use the same language you have used. It sounds like you have all been coached. It doesn't sound right that everybody would come in here—it isn't consistent that everyone would come in here and have the same language and give the same answers.

Mr. LUSTIG. No comment to make.

Mr. BONNER. No; I am sure you do not.

The CHAIRMAN. That's all.

(Witness excused.)

Mr. ADAMSON. I will call Mrs. Ruth Leider.

TESTIMONY OF MRS. RUTH LEIDER, BROOKLYN, N. Y.

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and address to the reporter?

Mrs. LEIDER. Before I give my name and address, may I have the right to have counsel present?

Mr. ADAMSON. No; give your name and address to the reporter, so we can identify you.

Mrs. LEIDER. My name is Mrs. Ruth Leider, 60 Sidney Place, Brooklyn, N. Y.

Mr. ADAMSON. And what business or profession are you in, Mrs. Leider?

Mrs. LEIDER. I am a lawyer.

Mr. ADAMSON. Where is your office?

Mrs. LEIDER. My office is at 565 Fifth Avenue, New York City.

Mr. ADAMSON. And you are a practicing attorney and member of the Bar of the State of New York?

Mrs. LEIDER. I am. May I repeat my request about my attorney?

The CHAIRMAN. Mrs. Leider, the policy of this committee is not to permit attorneys to accompany witnesses in the executive sessions. If it develops during the course of the examination that any questions are asked you involving legal matters which you do not feel competent to yourself, as an attorney, pass upon, you have permission to go out and consult your counsel.

Mrs. LEIDER. Thank you.

Mr. ADAMSON. First I want to ask you if you are here in compliance with a subpoena served upon you by this committee, calling for the production of books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Mrs. LEIDER. I am here in conformity with the subpoena.

Mr. ADAMSON. Do you have the copy of the subpoena served upon you?

Mrs. LEIDER. Yes, I do [producing the subpoena].

Mr. ADAMSON. I offer this, Mr. Chairman, in connection with the testimony of this witness, the same as the other witnesses.

The CHAIRMAN. It will be received.

(The subpoena served on Mrs. Ruth Leider follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or his special messenger:

You are hereby commanded to summon Mrs. Ruth Leider, 565 Fifth Avenue, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and she is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman.*

Attest: JOHN W. CARRINGTON, *Clerk.*

Mr. ADAMSON. Mrs. Leider, are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mrs. LEIDER. I am.

Mr. ADAMSON. And how long have you been a member of the board?

Mrs. LEIDER. About 2 years.

Mr. ADAMSON. And are you a citizen of the United States?

Mrs. LEIDER. I am.

Mr. ADAMSON. Are you a native-born citizen?

Mrs. LEIDER. I am.

Mr. ADAMSON. I take it of New York City?

Mrs. LEIDER. New York City.

Mr. ADAMSON. Have you produced here today, in compliance with the subpoena, the books, papers, and records called for, of the Joint Anti-Fascist Refugee Committee?

Mrs. LEIDER. In answer to that question I should like to read the following statement:

I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

The CHAIRMAN. Will you let me have the statement you have just read? [The witness handed the paper to the chairman.]

For the information of the witness the Chair will state that similar statements to this have been submitted, and been accepted by the committee from all the other witnesses. I will not say "similar." I mean identical.

Mr. ADAMSON. Mrs. Leider, your chairman, Dr. Barsky, has testified previously here that when he was served with a subpoena at a prior date to produce the books, papers, and records of the Joint Anti-Fascist Refugee Committee, he laid the matter before the executive board, and the executive board voted unanimously to instruct him not to produce the books, papers, and records in answer to the subpoena. I want to ask you if you participated in that meeting of the executive board, either in person or by proxy or telephone or some other way?

Mrs. LEIDER. I participated in that meeting.

Mr. ADAMSON. Were you present personally?

Mrs. LEIDER. I was present personally.

Mr. ADAMSON. And I assume that it was unanimous, that you voted in the affirmative?

Mrs. LEIDER. The decision of the board was unanimous.

Mr. BONNER. Mrs. Leider, you are a highly intelligent person.

Mrs. LEIDER. Thank you, sir.

Mr. BONNER. Why did somebody else have to prepare your statement?

Mrs. LEIDER. That question, I think, is not a pertinent question to this inquiry.

Mr. BONNER. Why do you folks all use the same word "pertinent"?

Mrs. LEIDER. I use the word because it is applicable to this situation.

Mr. BONNER. But you still think that you could have made just as good an answer as somebody else prepared for you?

Mrs. LEIDER. That too I consider not pertinent to the inquiry.

The CHAIRMAN. And by that I assume you decline to answer, for the reason you have given, that it is not pertinent?

Mrs. LEIDER. That is right.

The CHAIRMAN. You say you have been a member of the executive board of the Joint Anti-Fascist Refugee Committee for how long?

Mrs. LEIDER. Approximately 2 years.

The CHAIRMAN. How long has the committee been in existence?

Mrs. LEIDER. I believe, to the best of my recollection, the committee came into existence in 1942.

The CHAIRMAN. So it had been operating for some time before you came into it?

Mrs. LEIDER. Yes.

The CHAIRMAN. The executive board of the Joint Anti-Fascist Refugee Committee is the authority that passes on policy and controls activities of the committee?

Mrs. LEIDER. Yes.

The CHAIRMAN. Including the employment of whatever personnel is employed by the committee?

Mrs. LEIDER. That I cannot answer unequivocally, because it is my belief that some of the employees are hired by Miss Bryan.

Mr. CHAIRMAN. But the board could veto any action Miss Bryan takes if they wanted to do it!

Mrs. LEIDER. Possibly.

The CHAIRMAN. Don't you know it as a fact?

Mrs. LEIDER. I do not know it as a fact.

The CHAIRMAN. Have you known of any instance when Miss Bryan has refused to comply with the action of the board, the executive board?

Mrs. LEIDER. Of my own personal knowledge, I do not.

The CHAIRMAN. Is there any other authority higher than this executive board?

Mrs. LEIDER. I do not believe so.

The CHAIRMAN. Do you know of any?

Mrs. LEIDER. I do not.

The CHAIRMAN. As an individual member of the executive board of the Joint Anti-Fascist Refugee Committee are you individually willing today to permit this committee of the Congress to have access to the documents called for in the subpoena served on you?

Mrs. LEIDER. I don't know as an individual in connection with the committee. We act as a board.

The CHAIRMAN. I am asking you what your individual view of it is now. Are you willing, have you got any objection to it?

Mrs. LEIDER. I do not believe that my individual opinion is pertinent to the inquiry. We act as a board.

The CHAIRMAN. I didn't ask you about what your opinion was about it. I asked you what your view of it is, what your position is now?

Mrs. LEIDER. I don't think that is a pertinent question.

The CHAIRMAN. And for that reason you decline to answer?

Mrs. LEIDER. I decline to answer for that reason.

The CHAIRMAN. Very well. Are there any other questions? You are excused.

(Witness excused.)

Mr. ADAMSON. I will call Mrs. Fleischman.

TESTIMONY OF MRS. ERNESTINA G. FLEISCHMAN, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and your residence address to the reporter?

Mrs. FLEISCHMAN. Ernestina G. Fleischman, 1 Columbus Avenue, New York City.

Mr. ADAMSON. And what business or profession are you engaged in, Mrs. Fleischman?

Mrs. FLEISCHMAN. None. No business.

Mr. ADAMSON. And you are here in compliance with a subpoena served upon you by this committee calling for the production of the books, papers, and records of the Joint Anti-Fascist Refugee Committee? Is that correct?

The CHAIRMAN. You will have to speak up so we can hear you. You were asked if you are appearing here under a subpoena served on you. Were you? Did you have a subpoena served on you?

Mrs. FLEISCHMAN. Yes.

The CHAIRMAN. Have you got it with you? [The witness produced the subpoena.]

Mr. ADAMSON. I offer this as part of the testimony of this witness, Mr. Chairman.

The CHAIRMAN. Let it go in.

(The subpoena served on Mrs. Ernestina G. Fleischman follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Mrs. Ernestina G. Fleischman, "Voice of Fighting Spain," 1 Columbus Avenue, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and she is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

Mr. ADAMSON. You are here in answer to that subpoena? Is that correct?

Mrs. FLEISCHMAN. Yes.

Mr. ADAMSON. Are you a citizen of the United States?

Mrs. FLEISCHMAN. Yes.

Mr. ADAMSON. And you are a native-born citizen?

Mrs. FLEISCHMAN. No.

Mr. ADAMSON. Where did you come from to the United States?

Mrs. FLEISCHMAN. I came from Spain. I was born in Burgos, Spain.

Mr. ADAMSON. How long have you been in the United States?

Mrs. FLEISCHMAN. First I came in 1926. Then I went back and forth to Spain and New York, so I don't know the length of my stay time.

Mr. ADAMSON. When did you make the last trip from Spain to the United States?

Mrs. FLEISCHMAN. That trip was made in 1939.

Mr. ADAMSON. When were you made a citizen of the United States?

Mrs. FLEISCHMAN. In 1941.

Mr. ADAMSON. Was that in New York?

Mrs. FLEISCHMAN. At New York City.

Mr. ADAMSON. Have you produced here today the books, papers, and records that were called for by the subpoena?

Mrs. FLEISCHMAN (reading):

I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, rec-

ords, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Mr. BONNER. How many times have you read that over before?

Mrs. FLEISCHMAN. I don't remember.

Mr. BONNER. Just approximately how many? Six or eight?

Mrs. FLEISCHMAN. Two or three times.

Mr. LANDIS. Did you write it? Did you write the statement yourself?

Mrs. FLEISCHMAN. I don't think it is pertinent.

Mr. BONNER. She is like the others.

Mrs. FLEISCHMAN. May I consult my lawyer?

Mr. BONNER. You don't need to. I am not going to ask you any legal questions.

Mr. LANDIS. You ought to know whether you wrote it or not; if that is your statement, whether somebody gave it to you or whether you wrote it. You should know that.

Mrs. FLEISCHMAN. I have to ask to consult my lawyer.

The CHAIRMAN. All the other witnesses have testified that an attorney by the name of Wolf prepared this statement. Do you conform with that?

Mrs. FLEISCHMAN. Attorney Mr. Wolf. He is the attorney.

The CHAIRMAN. We have the statements that all of them have brought in here so far. They are the same as you make. They are all identical, so the same party must have prepared them all.

Mrs. FLEISCHMAN. Well, I think I should like to consult my lawyer.

Mr. BONNER. I want to ask you one more question, then I am not going to ask you anything further. You all got together and had these statements distributed to you when you were in a little group together?

Mrs. FLEISCHMAN. Can I consult my lawyer about that?

Mr. BONNER. It don't make any difference what your lawyer says.

Mr. MUNDT. You know whether that is true or not.

Mrs. FLEISCHMAN. I should like to consult my lawyer.

Mr. BONNER. You have got a good mind. I can see that. You can remember whether he handed this to you individually or whether you got together in a group.

Mrs. FLEISCHMAN. I like to consult my lawyer.

Mr. BONNER. I think you have got just as much sense as he has. You don't need to answer the question if you don't want to.

Mrs. FLEISCHMAN. I need legal advice.

The CHAIRMAN. You mean you need legal advice to determine what the truth is?

Mrs. FLEISCHMAN. I like to consult my counsel about it.

The CHAIRMAN. For you to determine what the facts are?

Mrs. FLEISCHMAN. No; I want to consult my counsel.

The CHAIRMAN. For what purpose?

Mrs. FLEISCHMAN. For the purpose of what the gentleman asked me.

The CHAIRMAN. But what do you want to ask your lawyer?

Mrs. FLEISCHMAN. Will you repeat the question?

The CHAIRMAN. I want to know what you want to ask your lawyer. The question was if that statement was prepared by Mr. Wolf?

Mrs. FLEISCHMAN. Well, I want to consult my lawyer on that.

The CHAIRMAN. Don't you know?

Mrs. FLEISCHMAN. I should like to consult my lawyer.

The CHAIRMAN. Don't you know?

Mrs. FLEISCHMAN. I should like to consult my lawyer.

The CHAIRMAN. If you know, you don't need to consult your lawyer.

Mrs. FLEISCHMAN. I want to consult my lawyer. Physically I didn't write the statement.

The CHAIRMAN. You didn't write it?

Mrs. FLEISCHMAN. I didn't write it physically, but I would like to consult my lawyer.

The CHAIRMAN. That is all we want to know, whether you wrote it or not.

Mr. LANDIS. Who gave you this statement?

Mrs. FLEISCHMAN. I should like to consult my lawyer.

The CHAIRMAN. About that?

Mr. LANDIS. About who gave it to you?

Mrs. FLEISCHMAN. I should like to consult my lawyer.

Mr. MUNDT. What about?

Mrs. FLEISCHMAN. About the things you have asked me.

Mr. THOMAS. I will ask you a question you won't need to consult your lawyer about. You won't have to consult your lawyer on this because only you know the answer.

Mrs. FLEISCHMAN. I should like to consult my lawyer.

Mr. THOMAS. Wait a minute. You haven't heard the question yet. Are you a member of the Communist Party?

Mrs. FLEISCHMAN. I don't think that is pertinent.

Mr. THOMAS. At least you don't have to consult your lawyer on that.

Mrs. FLEISCHMAN. Well, I think the question is not pertinent, but if you say it is pertinent, then I should like to consult my lawyer.

Mr. THOMAS. But he doesn't know the answer to that question. Only you know that.

Mrs. FLEISCHMAN. I should like to consult my lawyer.

Mr. THOMAS. If I say that you are a member of the Communist Party, would you deny it?

Mrs. FLEISCHMAN. I say that is not pertinent.

Mr. THOMAS. Well, I happen to know that you are a member of the Communist Party.

Mrs. FLEISCHMAN. I should like to repeat that is not pertinent to the case.

Mr. THOMAS. I am not asking you a question now.

Mrs. FLEISCHMAN. I am not a member of it.

Mr. THOMAS. You are not a member of the Communist Party?

Mrs. FLEISCHMAN. I am not.

Mr. THOMAS. Now remember, if we should find out that you are a member of the Communist Party, it would mean you have not answered the question correctly.

Mrs. FLEISCHMAN. I will have to answer, I say that it is not pertinent, but if you insist that it is, I am not.

Mr. THOMAS. You are not a member of the Communist Party?

Mrs. FLEISCHMAN. That is right.

Mr. MUNDT. Have you ever been a member of the Communist Party?

Mrs. FLEISCHMAN. That is not pertinent.

Mr. MUNDT. Do you want to deny it or not?

Mrs. FLEISCHMAN. I say that is not pertinent.

Mr. MUNDT. In other words you used to be a member of the Communist Party but you are not at the moment?

Mrs. FLEISCHMAN. That is not pertinent.

Mr. MUNDT. You say you are no longer a member of the party, so apparently you used to be one.

Mrs. FLEISCHMAN. I repeat that is not pertinent.

Mr. BONNER. What is your definition of the word "pertinent"?

Mrs. FLEISCHMAN. Pertinent is for the question, to my knowledge, which is not very large in the English language, I say pertinent, when a question does not fit to the case, when that is not going to the case, it is not pertinent.

The CHAIRMAN. Let me ask you a question that is pertinent. Dr. Barsky is the chairman of your board, isn't he?

Mrs. FLEISCHMAN. Yes.

The CHAIRMAN. And you are a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mrs. FLEISCHMAN. Yes, Mr. Chairman.

The CHAIRMAN. And Dr. Barsky is chairman of that board?

Mrs. FLEISCHMAN. Yes—I beg pardon?

The CHAIRMAN. Dr. Barsky is chairman of that board?

Mrs. FLEISCHMAN. Dr. Barsky is chairman of the committee.

The CHAIRMAN. Of the Joint Anti-Fascist Refugee Committee?

Mrs. FLEISCHMAN. Yes.

The CHAIRMAN. How long have you been a member of the executive board?

Mrs. FLEISCHMAN. Since 1942, I think.

The CHAIRMAN. And that is when the committee was first organized, is it?

Mrs. FLEISCHMAN. Yes.

The CHAIRMAN. Dr. Barsky was served some time ago with a subpoena by this committee of Congress to produce these records that are being called for by us, that you are being called upon to produce, and he appeared before this committee and testified that the executive board of the Joint Anti-Fascist Refugee Committee had had a meeting, and that the matter was laid before them, and that they voted unanimously to decline to this committee permission to inspect those books and records. Were you present at such a meeting as that?

Mrs. FLEISCHMAN. What meeting do you refer to?

The CHAIRMAN. The meeting at which the subpoena that was served on Dr. Barsky some month or two ago was discussed and acted on by your executive board. Were you present?

Mrs. FLEISCHMAN. I was not present.

The CHAIRMAN. Did you participate in the matter by telephone or in any other manner?

Mrs. FLEISCHMAN. I did not.

Mr. LANDIS. You did not vote?

The CHAIRMAN. You did not vote on it at all, one way or the other?

Mrs. FLEISCHMAN. I did not vote.

The CHAIRMAN. You took no action on it one way or the other?

Mrs. FLEISCHMAN. I did not vote.

The CHAIRMAN. Mrs. Fleischman, this executive board of the Joint Anti-Fascist Refugee Committee is the authority that controls the policies and actions of that organization, is it not?

Mrs. FLEISCHMAN. That is correct.

The CHAIRMAN. There isn't any other authority higher than the executive board?

Mrs. FLEISCHMAN. No.

The CHAIRMAN. And on all matters of policy, direction of the activities of the Joint Anti-Fascist Refugee Committee, the executive board is the highest authority?

Mrs. FLEISCHMAN. Yes.

The CHAIRMAN. Now, as a member of that board—you say you are a member now?

Mrs. FLEISCHMAN. Yes.

The CHAIRMAN. As a member of that board are you now willing, so far as you personally are concerned, as a member of that board are you now willing to permit this committee of Congress to see those books and records called for in that subpoena?

Mrs. FLEISCHMAN. I don't know what I would do. It would require a meeting of the board.

The CHAIRMAN. Would you now, right here now, give your consent to this committee to let them do that?

Mrs. FLEISCHMAN. I don't think that is pertinent.

Mr. LANDIS. That is the main thing, the whole case.

The CHAIRMAN. And for that reason you won't answer?

Mrs. FLEISCHMAN. I don't think it is pertinent. I think the board has to take action. It would be wrong for me to express an opinion, because the board has to decide.

The CHAIRMAN. Mrs. Fleischman, I am going to ask you now for your personal permission. I am requesting you personally to permit this committee of Congress to have access to those books. Will you give it to us or not? So far as you are able to do, will you give it to us?

Mrs. FLEISCHMAN. That is expressing my opinion, Mr. Chairman. I cannot say what the board will do.

The CHAIRMAN. I am not asking what the board will do. I am asking what you will do.

Mrs. FLEISCHMAN. I do not know, because the thing comes to the board to discuss, and I don't think it is pertinent to say what I should do a week from now. It is a special meeting.

Mr. ADAMSON. I want to ask one further question. Under what name were you naturalized as a citizen?

Mrs. FLEISCHMAN. My name is Ernestina G. Fleischman.

Mr. ADAMSON. And is your husband's name Fleischman?

Mrs. FLEISCHMAN. Yes.

Mr. ADAMSON. And was he a citizen of the United States?

Mrs. FLEISCHMAN. Born in New York.

Mr. ADAMSON. Then you married him before you became a citizen? Is that right?

Mrs. FLEISCHMAN. Yes.

Mr. ADAMSON. And what was your maiden name?

Mrs. FLEISCHMAN. Gonzales.

Mr. ADAMSON. Spanish names have two parts always. What is the other part of your name?

Mrs. FLEISCHMAN. Robleda, my mother's name.

Mr. ADAMSON. The name would read then Gonzales Y Robleda?

Mrs. FLEISCHMAN. No; you don't put anything in between. My father's name was Gonzales. My mother's name was Robleda. So before I got married my name was Ernestina Robleda. We always keep the father's and mother's name.

Mr. ADAMSON. There are two parts of every Spanish name. Isn't that true?

Mrs. FLEISCHMAN. Two parts, yes; Gonzales Robleda, father and mother.

Mr. ADAMSON. And your given name you use in front, Ernestina?

Mrs. FLEISCHMAN. Ernestina is the name.

Mr. ADAMSON. How long have you known Dr. Barsky?

Mrs. FLEISCHMAN. I knew him in New York since, I think it was 1939.

Mr. ADAMSON. Did you know Dr. Barsky when he was in Spain?

Mrs. FLEISCHMAN. No, I never met him.

Mr. ADAMSON. And when you went back to Spain and were over there in 1939, were you a participant in the civil war?

Mrs. FLEISCHMAN. I don't think that is pertinent but I was there in a capacity.

Mr. ADAMSON. What was your capacity?

Mrs. FLEISCHMAN. My capacity was for the children and the wounded from the bombardment things like that operating rooms. I don't think it is pertinent to the case.

Mr. ADAMSON. Well you have told me what I want to know. In other words, the work that you were doing in Spain was with children, taking care of children?

Mrs. FLEISCHMAN. They had been cities that had been bombed.

Mr. ADAMSON. And you helped to organize this Joint Anti-Fascist Refugee Committee?

Mrs. FLEISCHMAN. No, I was here. It was sent from Spain, and in that capacity I was asked to belong to the committee, to the board.

Mr. ADAMSON. Who asked you to belong to the board?

Mrs. FLEISCHMAN. Well, I was a member. I got to go to the committee meetings, Mr. Chairman. I am not prepared for that. It was a movement from Spain.

Mr. LANDIS. Do you know the first one that asked you to belong to it?

Mrs. FLEISCHMAN. I met people in the meeting, refugees from Spain.

The CHAIRMAN. That is all. Thank you.

(Witness excused.)

Mr. ADAMSON. I will call Leverett Gleason.

TESTIMONY OF LEVERETT S. GLEASON, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and address to the reporter?

Mr. GLEASON. Leverett S. Gleason. May I have counsel present?

The CHAIRMAN. Mr. Gleason, the policy of this committee is that counsel is not permitted to accompany witnesses in executive session; however, if in the course of this examination there should arise any

questions of law that you feel you should consult with your counsel about, you will be given an opportunity to retire and discuss them.

Mr. ADAMSON. Mr. Gleason, what business are you in?

Mr. GLEASON. I am a publisher.

Mr. ADAMSON. Will you name your publications?

Mr. GLEASON. I am publishing a number of magazines, Readers Scope Magazine, Lovers Magazine, Crime Does Not Pay Comics—do you want them all?

Mr. ADAMSON. Yes.

Mr. GLEASON. Sports Feathers Comics, Dare Devil Comics, Boy Comics, Hollywood Comics, Candy Comics, Salute magazine—that is a new one. I think that is all that I publish.

Mr. ADAMSON. All but two of your publications are comic-strip publications? Is that right?

Mr. GLEASON. No. Lovers is not a comic strip, and there are two others—Readers Scope, a digest magazine, and Salute magazine, which is a magazine that is edited by veterans of the Yanks.

Mr. ADAMSON. Are you here today in answer to a subpoena served upon you by this committee to produce certain books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Mr. GLEASON. Yes, sir.

Mr. ADAMSON. And do you have a pink copy of the subpoena with you?

Mr. GLEASON. Yes. [Producing the subpoena.]

Mr. ADAMSON. I offer this, Mr. Chairman, in connection with the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena served on Leverett Gleason follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Scrygant at Arms, or His Special Messenger:

You are hereby commanded to summon Leverett Gleason, 114 East Thirty-second Street, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which Hon. John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

Mr. ADAMSON. Now, Mr. Gleason, are you a member of the board, the executive board of the Joint Anti-Fascist Refugee Committee?

Mr. GLEASON. Yes, I am.

Mr. ADAMSON. How long have you been a member?

Mr. GLEASON. Since the inception, with the exception of the time I was with the Army.

Mr. ADAMSON. Are you a citizen of the United States?

Mr. GLEASON. I am.

Mr. ADAMSON. Native born?

Mr. GLEASON. Native born.

Mr. ADAMSON. In New York?

Mr. GLEASON. In Winchendon, Mass.

Mr. ADAMSON. The chairman of your organization, Dr. Barsky, has previously testified before the committee in words and substance that when he was served with a subpoena to produce before the committee the books, papers, and records of the Joint Anti-Fascist Refugee Committee, he laid the matter before the executive board, and that they instructed him by unanimous action not to produce the books, papers, and records for this committee in compliance with his subpoena. I want to ask you if you participated in that meeting either by personal attendance or proxy or by telephone.

Mr. GLEASON. I was not present at the meeting. By telephone I voted with the majority.

Mr. ADAMSON. And you voted to withhold the record from the committee?

Mr. GLEASON. No, I did not. That was not the question that was asked.

Mr. ADAMSON. Who asked you the question?

Mr. GLEASON. That I have forgotten. Somebody from the committee called up on the telephone—I am a very busy man and can't remember who just now—and the question was asked me, if I recall it correctly, whether the custodian of the records should be changed from Miss Bryan to Dr. Barsky, and in view of the fact that Miss Bryan was custodian of the records and that this committee, this House committee, was proceeding against her, we saw no reason to change the custodian of the records at that time.

Mr. ADAMSON. Didn't you know that Miss Bryan had refused to produce the books, papers, and records?

Mr. GLEASON. That is a little difficult for me to answer, because at that time, that particular time, I was just back from a trip and I was not fully aware of the situation, but I did understand not that she refused to produce them, but that she had gotten legal advice and was acting according to counsel's instructions within the limits of the law to protect the records. That was my understanding.

Mr. ADAMSON. You knew that she had not produced them physically?

Mr. GLEASON. I read that in the paper, yes.

Mr. ADAMSON. Have you produced here today the books, papers, and records called for in the subpoena which was served upon you? If you want to save time, we have heard that statement before, and if you will give it to us we will insert it in the record as part of your testimony.

Mr. GLEASON. You will insert it in the record?

Mr. ADAMSON. Yes. We have got them all right here.

(Mr. Gleason presented the following paper:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint

Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Mr. LANDIS. Did you write this?

Mr. GLEASON. No, I didn't write that. That was prepared by my attorney, Mr. Wolf, at my request.

Mr. ADAMSON. Who was this Mr. Wolf?

Mr. GLEASON. Mr. Wolf is a lawyer.

The CHAIRMAN. Mr. Gleason, when Dr. Barsky was here before this committee, and when he was being interrogated on the question of your board in regard to the subpoena that had been served on him to produce these books and records, he was asked this question:

Did they—

the Board—

decide that they would not submit these records to the committee?

Dr. BARSKY. They refused to grant me permission to submit these records.

Do you conform to that statement? Is that what you understood when you cast your vote?

Mr. GLEASON. I cast my vote over the telephone and I did not understand just the phraseology of that question. As far as the question put to me is concerned, there may be a slight difference.

The CHAIRMAN. But that in substance is what happened?

Mr. GLEASON. No, the substance that I voted for was not to change the custodian of the records, because Miss Bryan had the records, and the legal opinion was that, in view of the fact that this committee was proceeding against her, she should continue to be the custodian of the records.

The CHAIRMAN. You say then that Dr. Barsky was in error when he said that they—having reference to the executive board—they refused to grant him permission to submit these records?

Mr. GLEASON. I cannot answer for Dr. Barsky.

The CHAIRMAN. You say that is a correct or an incorrect statement?

Mr. GLEASON. I cannot answer that question. If you want me to ask counsel, I will.

The CHAIRMAN. Counsel was not present, was he?

Mr. GLEASON. No; but I mean whether I should answer the question, because it is a matter of opinion which I do not think is pertinent. I cannot give an opinion as to Dr. Barsky's testimony.

The CHAIRMAN. Does that testimony jibe with what you say happened?

Mr. GLEASON. I will say, I will repeat that what I voted on was not to change the custody of the records. The question, putting it the other way, of instructing Dr. Barsky is an entirely different thing. I had no vote, or there was no vote that I know of; I was not present at a meeting on the question of instructing him to refuse any records. The question was: Miss Bryan has the records. Shall she remain custodian of the records?

The CHAIRMAN. When were you served with the subpoena that you have produced here?

Mr. GLEASON. I was served Monday morning, this last Monday morning. I was not in my office when the server came, and they told him I would be back.

The CHAIRMAN. In the 4 days, approximately, that you have had that subpoena, have you made any attempt to obtain any action from the board with reference to producing these records?

Mr. GLEASON. Action, I should think, on that question must come from the board at a regular called meeting. I am not in a position to call a meeting.

The CHAIRMAN. I am asking you about what you have done.

Mr. GLEASON. I have not called any meetings.

The CHAIRMAN. Have you solicited the calling of any meetings?

Mr. GLEASON. No, I have not. I don't think that is my province. I am a rank and file member of the board.

The CHAIRMAN. You are a member of the board?

Mr. GLEASON. I am a member of the board.

The CHAIRMAN. And the executive board is the authority that controls the actions and formulates the policies of the Joint Anti-Fascist Refugee Committee?

Mr. GLEASON. That is true, yes.

The CHAIRMAN. And there isn't any higher authority than the executive board?

Mr. GLEASON. I would not say that, because there is a national convention that has the highest authority, as I understand it.

The CHAIRMAN. National convention of what?

Mr. GLEASON. The National Anti-Fascist Refugee Committee or national conference. That is how this committee was originally started, as I understand it. That would have the highest authority, I should think.

The CHAIRMAN. Who is in that organization? Is that a national organization?

Mr. GLEASON. There is a board, an executive board, and I think some sponsors. I am not familiar with them. If I recall, they met when the committee was first started, and I think that in case of the ultimate authority that you speak of, it would be there, it would be calling the national conference, because there are people all over the country who belong to it.

The CHAIRMAN. National conference of whom?

Mr. GLEASON. Of the Joint Anti-Fascist Refugee Committee.

The CHAIRMAN. Who are they?

Mr. GLEASON. That I don't know.

The CHAIRMAN. Have you ever seen any of them?

Mr. GLEASON. No; I have not.

The CHAIRMAN. Since you have been serving on this board? How long have you been serving on it?

Mr. GLEASON. Well, as I told you, I came on the board in the very early formation. I have forgotten when, but I think it was in 1942.

The CHAIRMAN. Since you have been a member of this board, the executive board, it has had control of the actions of the Anti-Fascist Refugee Committee?

Mr. GLEASON. Policies and actions.

The CHAIRMAN. And employees, I assume?

Mr. GLEASON. I suppose so. I would say that is true, yes.

The CHAIRMAN. And they have the right to dispense with the services of any employee?

Mr. GLEASON. I suppose they would; yes.

The CHAIRMAN. And would dispense with the services of any employee who would refuse to carry out their orders?

Mr. GLEASON. I cannot answer what the board would do.

The CHAIRMAN. They have the authority to do it, haven't they?

Mr. GLEASON. I should think they have; yes.

The CHAIRMAN. Now today, as a member of that board and as a man who has been a member of it since the inception of the organization, are you willing to give your individual consent as a member of that board for an inspection of the books by this committee?

Mr. GLEASON. As a member of this board, the executive board of the Joint Anti-Fascist Refugee Committee, I cannot here say what I would do individually without a meeting of the executive board of the Joint Anti-Fascist Refugee Committee, one reason being that there would certainly have to be discussion on it.

The CHAIRMAN. I understand that for that reason you now decline our request which I am now making to you personally for your permission?

Mr. GLEASON. On the ground that I consider that a conjectural question. I do so decline; yes.

Mr. MUNDT. The witness previously testified that on this other decision he didn't have to have any discussion or counsel, that somebody called him up on the telephone and he said over the phone he was in favor of not letting this committee have the records. Why do you have to consult on this other question when you could do it so quickly over the telephone on the first one?

Mr. GLEASON. Because I think I had free opportunity to weigh the matter pro and con before giving a vote. Here today you ask me this question, and I do not know. I haven't heard any discussion on it. I cannot answer that.

Mr. MUNDT. You didn't have any discussion of it over the telephone? You couldn't discuss it in a telephone call?

Mr. GLEASON. No; but there was a board meeting.

Mr. MUNDT. You have discussed it a long time here today.

Mr. GLEASON. But I couldn't decide without an official board meeting.

Mr. MUNDT. In other words, you just don't want to answer the question?

Mr. GLEASON. You can put it that way if you want to. I wouldn't put it that way.

The CHAIRMAN. Will you answer it or not?

Mr. GLEASON. I consider that I have given a reason why I cannot answer that question.

The CHAIRMAN. Then I ask you again, will you answer it or not now?

Mr. GLEASON. I do not know.

Mr. MUNDT. Mr. Gleason, it is not Miss Bryan but it is the executive board that actually has custody of the books and records?

Mr. GLEASON. Miss Bryan has custody of the books and records, insofar as I know. I personally have never seen the books and records.

Mr. MUNDT. The board has direct control of them?

Mr. GLEASON. I believe that the board has control over Miss Bryan but not over the books and records in this sense: That the board instructed Miss Bryan to take up the question of the custody of those records—not custody, but to take up this question of the books and records with counsel, and counsel has advised Miss Bryan, so I think you will have to look to Miss Bryan for that. We have instructed her to seek legal advice to protect the records within the limit of the law.

Mr. MUNDT. Protect the records from whom?

Mr. GLEASON. From you.

Mr. MUNDT. What are you trying to conceal?

Mr. GLEASON. We are not trying to conceal anything.

Mr. MUNDT. It seems to me there is a strange, stubborn conflict between your testimony and that which Dr. Barsky gave, his sworn testimony before this committee when he was here. This was his testimony on February 13:

Doctor, do you have any objection at this time to stating who does have the authority to produce the records?

Dr. BARSKY. I would say that the board of directors, the executive board would have the ultimate authority to produce the records.

He doesn't say anything about Miss Bryan.

Mr. GLEASON. Well, I have said, I think, in answer I believe to a question, that the board has authority to instruct Miss Bryan. They could have instructed her not to seek legal counsel, but they did. As far as the board is concerned, I suppose they could retract that procedure and adopt another. I suppose they could.

Mr. ADAMSON. They could have instructed her to turn the books over to this committee, too?

Mr. GLEASON. Yes; but they did not. The board instructed her to ask for advice of legal counsel.

The CHAIRMAN. And that legal counsel is the counsel that the board had employed, Mr. Wolf?

Mr. GLEASON. That is correct.

The CHAIRMAN. That's all. You are excused.

(Witness excused.)

The CHAIRMAN. You may advise the remaining witnesses that we have got to go on the floor now; and we will meet back in this room at 2:30 this afternoon. All those who have been examined are excused, and those that have not been will meet back here at 2:30.

(Whereupon, at 12:45 p. m., a recess was taken until 2:30 p. m. this day.)

AFTER RECESS

The committee reassembled at 2:30 p. m., pursuant to recess.

The CHAIRMAN. The committee will be in order.

Mr. ADAMSON. I will call Mr. Justiz.

TESTIMONY OF HARRY M. JUSTIZ, ASTORIA, LONG ISLAND, N. Y.

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Mr. Justiz, will you give your full name and your address to the reporter?

Mr. JUSTIZ. Harry M. Justiz, 2030 Thirty-sixth Street, Astoria, Long Island, N. Y.

Mr. ADAMSON. What business are you in, Mr. Justiz?

Mr. JUSTIZ. I am an attorney.

Mr. ADAMSON. What is your office address?

Mr. JUSTIZ. 570 Seventh Avenue, New York.

Mr. ADAMSON. And you are a member of the New York bar?

Mr. JUSTIZ. I am.

Mr. ADAMSON. You are here in compliance with a subpoena which was served upon you by the committee calling for the production of certain books, papers, and records?

Mr. JUSTIZ. I am.

Mr. ADAMSON. Have you got the pink copy of your subpoena?

Mr. JUSTIZ. I have (producing the subpoena).

Mr. ADAMSON. I offer this, Mr. Chairman, as part of the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena served on Harry M. Justiz follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or his Special Messenger:

You are hereby commanded to summon Harry M. Justiz, 570 Seventh Avenue, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which Hon. John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman*.

ATTEST:

JOHN W. CAERINGTON, *Clerk*.

Mr. ADAMSON. Mr. Justiz, are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mr. JUSTIZ. I am.

Mr. ADAMSON. How long have you been a member?

Mr. JUSTIZ. I believe about 2½ or 3 years.

Mr. ADAMSON. Would that go back as far as 1942?

Mr. JUSTIZ. I don't believe so, but I am not sure.

Mr. ADAMSON. Are you a citizen of the United States?

Mr. JUSTIZ. I am.

Mr. ADAMSON. Native-born?

Mr. JUSTIZ. No.

Mr. ADAMSON. Where did you come from?

Mr. JUSTIZ. I came here from Yugoslavia when I was about 9 years of age.

Mr. ADAMSON. And have resided in New York State ever since?

Mr. JUSTIZ. Since that time; yes, sir.

Mr. ADAMSON. Dr. Barsky, your chairman, has previously testified before this committee, and he said in words and substance that when the subpoena had been served on him by the committee at a prior date he laid the question of complying with that subpoena for the production of books, papers, and records of the Joint Anti-Fascist Refugee Committee before your executive board, and that your executive board unanimously acted and instructed him not to produce the records before the committee; that that was the reason why he did not produce them in compliance with the subpoena.

Mr. JUSTIZ. He was not instructed to produce the records.

Mr. ADAMSON. Just a minute—I just want to ask you what participation you had in that action?

Mr. LANDIS. Were you present?

Mr. JUSTIZ. First of all, that was not the action.

Mr. LANDIS. Were you present at the meeting personally?

Mr. JUSTIZ. Personally I was not.

Mr. ADAMSON. How did you participate in it?

Mr. JUSTIZ. By consultation over the telephone.

Mr. ADAMSON. You cast your vote then by telephone?

Mr. JUSTIZ. I cast my vote by telephone.

Mr. ADAMSON. And someone from the office of the committee called you. I take it, about the matter?

Mr. JUSTIZ. That is right.

Mr. ADAMSON. Did you know the person with whom you talked over the telephone?

Mr. JUSTIZ. I don't recall now. It might have been one of the staff, but I am not sure, or it may have been Miss Bryan.

Mr. ADAMSON. When you cast your vote over the telephone you knew what you were voting on, didn't you?

Mr. JUSTIZ. I knew what I was voting on; yes, sir.

Mr. ADAMSON. And can you tell us here now what you voted on?

Mr. JUSTIZ. Yes; the question was whether Dr. Barsky should be instructed to produce the books and records to this committee. I thought that in view of the fact that Miss Bryan was the official custodian of the records, and has been all through the time that I have been a member of the committee, we could not at this time, when the committee is under investigation, change the custodian, and under those conditions we could not possibly instruct him to produce anything which was not in his custody.

Mr. LANDIS. Did you know that Miss Bryan had been subpoenaed, too, on the same thing?

Mr. JUSTIZ. Yes; we knew she was under investigation, and I believe it would be contemptuous of this committee if in the middle of such an investigation, we should change the custodian.

Mr. ADAMSON. You knew that she had refused to produce the books, papers, and records?

Mr. JUSTIZ. I knew she had been instructed to consult counsel.

The CHAIRMAN. Will you just answer the question asked you?

Mr. ADAMSON. You knew she had not produced the books and papers?

Mr. JUSTIZ. I knew she had not produced them.

Mr. ADAMSON. Regardless of what the nature of the refusal was?

Mr. JUSTIZ. Yes, sir.

Mr. ADAMSON. Are you willing at this time, so far as your vote is concerned, to permit the investigators of this committee of Congress to inspect those books, papers, and records?

Mr. JUSTIZ. I cannot tell you what my vote would be. It would be subject to discussion of the entire board, and my decision would be made after such discussion.

Mr. ADAMSON. Isn't the entire board here today?

Mr. JUSTIZ. Well, they were in the beginning of the day. About half of them are gone; and, of course, we did not have a meeting for this particular purpose.

Mr. ADAMSON. When were you served with the subpoena?

Mr. JUSTIZ. Tuesday.

Mr. ADAMSON. And did you make any effort to have a meeting called by the board or to confer with the other members of the board for the purpose of authorizing the production of these books, papers, and records?

Mr. JUSTIZ. I did not; and I could not possibly do it in one day's time.

Mr. ADAMSON. What is your attitude now? Can't you give us your own opinion? Is it necessary for you to ask someone else what your own opinion is?

Mr. JUSTIZ. I think it would be necessary to have the benefit of the opinion of my fellow members of the committee before I can make up my mind.

Mr. ADAMSON. If you do make up your mind?

Mr. JUSTIZ. Before I could make up my mind.

The CHAIRMAN. So, until you do make up your mind, you would decline to grant this request?

Mr. JUSTIZ. Which request?

The CHAIRMAN. I will make one now: That we have your permission to see these books and records.

Mr. JUSTIZ. They are not in my custody.

The CHAIRMAN. I didn't ask you that. I am asking you now for your permission. Do you grant your permission or do you decline to do it?

Mr. JUSTIZ. I don't think it is pertinent, because it calls for a conclusion.

The CHAIRMAN. Very well.

Mr. THOMAS. You say that Miss Helen Bryan has custody of the records?

Mr. JUSTIZ. Yes.

Mr. THOMAS. Is it your belief, then, that Dr. Barsky does not have custody of the books?

Mr. JUSTIZ. Correct.

Mr. THOMAS. You believe likewise that this executive committee has not custody of the records?

Mr. JUSTIZ. No; it has not.

Mr. LANDIS. Do you believe that Helen Bryan could turn these papers over without permission from the board, if she wanted to?

Mr. JUSTIZ. I don't believe so, because under the instructions of the board she is supposed to consult counsel as to whether she should or should not.

The CHAIRMAN. And that counsel is your lawyer out here, Mr. Wolf?

Mr. JUSTIZ. That's right.

Mr. THOMAS. Aren't you going to read that statement as the others read it?

Mr. JUSTIZ. No, sir.

Mr. THOMAS. You are not going to read it?

Mr. JUSTIZ. No.

Mr. THOMAS. How is it you are not going to read the paper?

Mr. JUSTIZ. Well, I just feel that I am not called upon to read it.

Mr. THOMAS. Well, I suppose you would like to have the statement put in the record; wouldn't you?

Mr. JUSTIZ. Not necessarily; no.

The CHAIRMAN. Have you got those documents that the subpoena calls for? Have you got them with you now?

Mr. JUSTIZ. No, sir.

Mr. THOMAS. I think we would like to have that statement.

Mr. LANDIS. No; if he don't want to put it in, that is all right. Leave it out.

Mr. JUSTIZ. I just took this out because I thought if I needed it I would read it.

Mr. ADAMSON. You have not produced the books, papers, and records that we are talking about here this morning?

Mr. JUSTIZ. No.

The CHAIRMAN. That's all.

(Witness excused.)

Mr. ADAMSON. I will call Mrs. Kamsly.

TESTIMONY OF MRS. LOUIS A. KAMSLY, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and your address to the reporter, Mrs. Kamsly?

Mrs. KAMSLY. Mrs. Louis A. Kamsly, 350 Central Park West, New York City. May I have my lawyer present?

The CHAIRMAN. Mrs. Kamsly, if in the course of this investigation any matter should arise involving a legal question on which you desire to confer with your counsel, you have permission to do so.

Mr. ADAMSON. Does the name end "ly" or "ley"?

Mrs. KAMSLY. "ly."

Mr. ADAMSON. There is no "e" in it?

Mrs. KAMSLY. No; there is not.

The CHAIRMAN. Your attorney is Mr. Wolf?

Mrs. KAMSLY. Yes.

Mr. ADAMSON. Are you here today in answer to a subpoena served upon you by the committee, calling for the production of books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Mrs. KAMSLY. Yes.

Mr. ADAMSON. And do you have the pink copy of the subpoena that was served upon you?

Mrs. KAMSLY. Yes [producing the subpoena].

Mr. ADAMSON. I offer this subpoena, Mr. Chairman, in connection with the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena addressed to Mrs. Kamsly follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Mrs. Samuel Kamsly, 350 Central Park West, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Hon. John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March, 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

MR. ADAMSON. Mrs. Kamsly, are you a member of the board of the Joint Anti-Fascist Refugee Committee? I believe they called it the "executive board."

Mrs. KAMSLY. Yes.

MR. ADAMSON. How long have you been a member of that board?

Mrs. KAMSLY. For less than a year. I should say since about last September, approximately.

MR. ADAMSON. Your chairman, Dr. Barsky, has testified previously before this committee that when he was served with a subpoena at a prior date for the purpose of obtaining these books and papers for the inspection of the committee, he laid the matter before your executive board, and that the board voted unanimously instructing him not to produce the books, papers, and records before this committee. Were you present personally at any such meeting?

Mrs. KAMSLY. I was not.

MR. ADAMSON. Did you participate in it by telephone or by proxy?

Mrs. KAMSLY. Yes; I voted over the telephone.

MR. ADAMSON. And will you tell us whether you knew the person with whom you were talking over the telephone?

Mrs. KAMSLY. I am not absolutely certain, but I think it was Miss Bryan.

MR. ADAMSON. And I assume, since the action was unanimous, that you voted in the affirmative?

Mrs. KAMSLY. In the affirmative for what? That Dr. Barsky should not produce the books and papers?

MR. ADAMSON. Yes.

Mrs. KAMSLY. I voted that the custodianship of the books, records, and correspondence should not be transferred from Miss Helen Bryan, the legal custodian, to Dr. Barsky, since Miss Bryan was at

that time—well, this committee, rather, was proceeding against Miss Bryan at that time.

Mr. LANDIS. Did you know that she received a subpoena to produce the books, records, and papers?

Mrs. KAMSLY. I did know that.

Mr. ADAMSON. You are a citizen of the United States, I take it?

Mrs. KAMSLY. Yes.

Mr. ADAMSON. And you are a native-born citizen?

Mrs. KAMSLY. I was born in New York City.

Mr. ADAMSON. And you have resided in New York all your life?

Mrs. KAMSLY. All my life.

Mr. ADAMSON. Do you recall just who asked you to become a member of the board, the executive board? Were you a member of the committee before you became a member of the board?

Mrs. KAMSLY. I worked with the committee in fund-raising activities in the women's division, and I think it was Miss Bryan who asked me whether I would like to become a member of the executive board.

Mr. ADAMSON. Have you produced here today the documents, papers, and records called for in the subpoena?

Mrs. KAMSLY (reading):

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence—

The CHAIRMAN (interposing). You can save a lot of time by just putting that in the record. We have got 8 or 10 here just like it. Just give it to the reporter and we will put it in the record.

(The paper referred to follows:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Mrs. KAMSLY. This is my answer to the question.

Mr. RANKIN. And that was written by your lawyer?

Mrs. KAMSLY. This is the answer which my lawyer—

Mr. RANKIN (interposing). Wrote for you?

Mrs. KAMSLY. He did not write it for me. He took it down in legal language, but this is my opinion.

Mr. RANKIN. It is the same one, a copy of the one that all the other witnesses have brought in here. That was prepared by the lawyer?

Mrs. KAMSLY. I judge that we all had the same lawyer. We all consulted with the same lawyer, therefore he transferred our ideas into legal language.

Mr. RANKIN. And you all got copies of the same stereotyped answer?

Mr. LANDIS. Tell us when you consulted with the lawyer on this?

Mr. RANKIN. What lawyer are you talking about?

Mrs. KAMSLY. Mr. Wolf.

Mr. LANDIS. Tell us when.

Mrs. KAMSLY. I don't remember.

Mr. LANDIS. Last week, this week?

Mrs. KAMSLY. It was since I was served with the subpoena.

The CHAIRMAN. When were you served?

Mrs. KAMSLY. I was served last Thursday, I believe.

Mr. LANDIS. You talked with the lawyer last week?

Mrs. KAMSLY. I don't remember the actual date of it, gentlemen, but I remember that I was served a week ago today, I think, or perhaps it was a week ago tomorrow. I couldn't be absolutely certain.

Mrs. ADAMSON. Are you ready and willing at this time to give your consent for the investigators of this committee to inspect the books, papers, and records of the Joint Anti-Fascist Refugee Committee? That is, so far as your vote is concerned?

Mrs. KAMSLY. I cannot give a personal opinion, gentlemen, as far as my own consent is concerned. I can only talk as a member of the executive board, and I do not think the question is pertinent.

Mr. THOMAS. Who told you to make that kind of an answer?

Mrs. KAMSLY. Well, I had several consultations with my lawyer, naturally, and he did not tell me to say it, but I told him what I thought, and of course he informed me of the legal phraseology.

Mr. THOMAS. The reason I mention that is that every witness here today has said exactly the same thing.

Mr. RANKIN. Used the same phraseology.

Mr. THOMAS. He did tell you to say that?

Mrs. KAMSLY. No, he didn't tell me to say it.

Mr. THOMAS. Then it is just a coincidence that all the witnesses are saying the same thing?

Mrs. KAMSLY. I guess it is a legal term.

Mr. THOMAS. It would be a coincidence, wouldn't it, in your mind? Wouldn't you think it would be a coincidence if all of these witnesses used the same expression?

Mrs. KAMSLY. I don't know.

Mr. LANDIS. Would you be in favor, as a member of the board, of letting Helen Bryan turn over the papers, or let us have access to them?

Mrs. KAMSLY. I could only make that decision at a board meeting after listening to what other members of the board said.

The CHAIRMAN. I make a personal request now as chairman of the committee to you to give us your consent as a member of the executive board to have a member of this committee of Congress inspect those books and records.

Mrs. KAMSLY. I beg pardon?

The CHAIRMAN. I say I now, as chairman of the Committee on Un-American Activities of the Congress of the United States, make a personal request to you to give your consent for this committee of Congress to have access to the records mentioned in that subpoena that you were served with. Do you grant your personal permission?

Mrs. KAMSLY. I cannot grant my personal permission, Mr. Chairman, because I am a member of the board, and I have to act as a board member.

The CHAIRMAN. As a board member do you grant it?

Mrs. KAMSLY. I can only act as a member of the board.

The CHAIRMAN. And now here today you decline to grant it? You decline to consent to it?

Mrs. KAMSLY. Would you rephrase that, please?

The CHAIRMAN. Here now, today, right now, this minute, as a member of the board you decline to consent to that request?

Mrs. KAMSLY. I do not decline, but I say I cannot take any action unless I have a board meeting.

The CHAIRMAN. Isn't that declining?

Mrs. KAMSLY. No; it is neither declining nor consenting.

The CHAIRMAN. That is all. You are excused.

(Witness excused.)

Mr. ADAMSON. I will call Manuel Magana.

TESTIMONY OF MANUEL MAGANA, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Give your full name and address to the reporter.

Mr. MAGANA. Manuel Magana.

Mr. ADAMSON. What business are you in?

Mr. MAGANA. Hardware store business.

Mr. ADAMSON. In New York?

Mr. MAGANA. In New York, 1363 Fifth Avenue.

Mr. ADAMSON. And are you a citizen of the United States?

Mr. MAGANA. Yes, sir.

Mr. ADAMSON. When did you become a citizen?

Mr. MAGANA. 1939.

Mr. ADAMSON. In New York?

Mr. MAGANA. New York.

Mr. ADAMSON. Where did you come from before that?

Mr. MAGANA. I came from Cuba?

Mr. ADAMSON. What part of Cuba?

Mr. MAGANA. Habana, Cuba. You say when I come to this country?

Mr. ADAMSON. Yes. You came from Habana to the United States?

Mr. MAGANA. Yes.

Mr. ADAMSON. How did you get to Habana?

Mr. MAGANA. I went from the United States to Habana.

Mr. ADAMSON. You mean you came into the United States once before?

Mr. MAGANA. Yes. Then I went to Cuba.

Mr. ADAMSON. You had to leave the United States on account of the immigration laws?

Mr. MAGANA. No.

Mr. ADAMSON. Well, explain how you got to the United States.

Mr. MAGANA. I went on the boat to Habana, and I stayed there working for a long time. Then I come back to the United States.

Mr. ADAMSON. You mean you were working for this Joint Anti-Fascist Committee?

Mr. MAGANA. No.

Mr. ADAMSON. Where were you born?

Mr. MAGANA. In Spain.

Mr. ADAMSON. What part of Spain?

Mr. MAGANA. Zaragoza, Spain.

Mr. ADAMSON. And what time did you first come to the United States, your first trip to the United States?

Mr. MAGANA. In 1913.

Mr. ADAMSON. What business were you in then?

Mr. MAGANA. I was working on a boat.

Mr. ADAMSON. What were you, a steward, a seamen?

Mr. MAGANA. I was working as a waiter.

Mr. ADAMSON. A waiter? Well, that is a steward. That was a Spanish ship?

Mr. MAGANA. No.

Mr. ADAMSON. What ship was it?

Mr. MAGANA. It was an American ship.

Mr. ADAMSON. I don't get it.

Mr. MAGANA. The name of the boat was *Joseph Piment*. I can't tell very well the names, because it was many years back.

Mr. ADAMSON. What flag did she fly?

Mr. MAGANA. In Buenos Aires, Argentina.

Mr. ADAMSON. She flew the Argentine flag?

Mr. MAGANA. Yes.

Mr. ADAMSON. Are you a member of the board of the Anti-Fascist Refugee Committee?

Mr. THOMAS. Wait a minute. I want to find out exactly when he left Spain.

Mr. ADAMSON. I am coming back to that. Are you a member of this executive board of the Joint Anti-Fascist Refugee Committee?

Mr. MAGANA. Yes.

Mr. ADAMSON. And how long have you been a member of that board?

Mr. MAGANA. One year.

Mr. ADAMSON. About what month of last year did you become a member?

Mr. MAGANA. In March. I don't remember exactly, but it was about March.

Mr. ADAMSON. About a year ago?

Mr. MAGANA. About a year ago.

Mr. ADAMSON. Were you a member of the committee before that time?

Mr. MAGANA. No, sir.

Mr. ADAMSON. You did not belong to the Joint Anti-Fascist Refugee Committee before that time?

Mr. MAGANA. I think not.

Mr. ADAMSON. Don't you know?

Mr. MAGANA. I don't remember. I became a member about a year ago, but I don't know any more.

Mr. ADAMSON. Well, you say you came to the United States first in 1913. When did you enter the United States for the purpose of citizenship?

Mr. MAGANA. I don't understand very well. Ask it again. I don't understand well.

Mr. ADAMSON. When you file your citizenship papers you have to put in a date when you entered the United States for the purpose of becoming a citizen. What date did you tell the Government you entered here with the intention of becoming a citizen?

Mr. MAGANA. Well, the date, I come to this country in 1916.

Mr. ADAMSON. From 1916 up until 1939 did you go back to Spain?

Mr. MAGANA. No, sir.

Mr. ADAMSON. You have not been in Spain since 1916?

Mr. MAGANA. No, sir.

Mr. ADAMSON. Have you been in Cuba often?

Mr. MAGANA. No, sir.

Mr. ADAMSON. What did you do in Habana?

Mr. MAGANA. I worked as a waiter.

Mr. ADAMSON. When were you served with a subpoena from this committee?

Mr. MAGANA. When was I served?

Mr. ADAMSON. Yes.

Mr. MAGANA. I have it here [producing the subpoena]. Exactly I don't know the day it was. I don't know the date.

Mr. LANDIS. Was it last week? When did you get it?

Mr. MAGANA. I don't remember the date.

Mr. ADAMSON. It was last week, wasn't it?

I offer this subpoena as a part of the testimony of this witness, Mr. Chairman.

The CHAIRMAN. It will be received.

(The subpoena addressed to Mr. Manuel Magana follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Mr. Manuel Magana, Club Obrero Espanol, 1490 Madison Avenue, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Hon. John S. Wood is chairman and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March, 1946.

JOHN S. WOOD, *Chairman*.

JOHN W. CARRINGTON, *Clerk*.

Attest:

Mr. ADAMSON. Now, Mr. Magana, your chairman, Dr. Barsky, has testified before this committee previously and he said that when he was served with a subpoena asking him to produce the books, records, and papers of this Joint Anti-Fascist Refugee Committee he laid the matter of whether he should produce the books before your executive board, and your executive board voted unanimously instructing him not to produce the books, records, and papers of the Joint Anti-Fascist Refugee Committee. I want to ask you if you attended that meeting of the executive board personally?

Mr. MAGANA. Yes; I did.

Mr. ADAMSON. And I take it you voted to instruct him not to produce the books, papers, and records?

Mr. MAGANA. It was unanimous.

Mr. LANDIS. You voted at that meeting?

The CHAIRMAN. He said the vote was unanimous.

Mr. MAGANA. Well, I have to consult my lawyer. I don't know the meaning.

Mr. ADAMSON. What did you do at the meeting?

Mr. LANDIS. Did you vote?

Mr. MAGANA. I guess we vote. I don't know. We get to a decision, but I don't know.

Mr. ADAMSON. They voted, but you don't know what they voted for?

Mr. MAGANA. I don't remember exactly now.

Mr. ADAMSON. You mean to tell me that you didn't know what you attended the meeting for?

Mr. MAGANA. Well, I guess that—I don't remember now what was—if we both decided to do anything, I don't know very much.

The CHAIRMAN. You knew in that meeting what the meeting was held for; didn't you?

Mr. MAGANA. Well, I thought it was a meeting like they held.

The CHAIRMAN. You knew we were asking to see the books and records of this Joint Anti-Fascist Refugee Committee, didn't you? You knew we were seeking to see them; didn't you?

Mr. MAGANA (reading):

Mr. Chairman, I have been served with a subpoena—

The CHAIRMAN (interposing). We know what is in that paper. We haven't got to that yet. Just answer that question. At the time you held that meeting you are talking about, the meeting of the board that you said you attended?

Mr. MAGANA. Yes; I attended the meeting.

The CHAIRMAN. And you knew at that time this committee of Congress here was trying to get hold of your books; didn't you? That is what the meeting was called about, wasn't it?

Mr. MAGANA. I don't understand that.

The CHAIRMAN. What did you meet for?

Mr. MAGANA. I do not understand that.

The CHAIRMAN. You said you had a meeting up there.

Mr. MAGANA. Yes; we had a meeting.

The CHAIRMAN. A meeting of the executive board?

Mr. MAGANA. Yes.

The CHAIRMAN. What did you meet for?

Mr. MAGANA. We met to get something done, but I don't remember now the point.

The CHAIRMAN. You don't remember what was discussed?

Mr. MAGANA. I don't remember now, personally.

The CHAIRMAN. You said you voted. What did you vote for?

Mr. MAGANA. I say I voted?

The CHAIRMAN. A while ago you said you voted in that meeting. What did you vote on?

Mr. MAGANA. I don't think—my personal opinion is not pertinent.

The CHAIRMAN. I am not asking you for your personal opinion. I am asking you what you voted on. Do you know what you voted on?

Mr. MAGANA. I have got to ask my lawyer. I don't know.

The CHAIRMAN. Your lawyer has not told you we were likely to ask you this question?

Mr. MAGANA. No.

The CHAIRMAN. You want to go out and talk to him a little about it? You stated a while ago that you attended the meeting and you had a vote, and you all participated in it. What did you vote on?

Mr. MAGANA. I don't remember now what it was on.

The CHAIRMAN. Did you vote on anything about bringing the books down here?

Mr. MAGANA. I don't understand that, because I have no books in my possession, anything like that.

The CHAIRMAN. Have you got anything else except that paper? What have you got in your pockets? I see some glasses and a pencil there. Have you got anything else in your pockets?

Mr. MAGANA. Yes.

The CHAIRMAN. Have you got these books that we asked for here in this subpoena in your pockets? Just answer that question.

Mr. MAGANA. Mr. Chairman, I have been served——

The CHAIRMAN (interposing). We know what is in your statement.

Mr. MAGANA (reading):

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

The CHAIRMAN. Now, will you answer the question I asked you a while ago?

Mr. MAGANA. What question?

The CHAIRMAN. Have you got the papers in your pocket?

Mr. MAGANA. I haven't got any papers in my pocket.

The CHAIRMAN. You haven't got them anywhere, have you? You didn't bring them with you, did you? Did you bring the books with you?

Mr. MAGANA. That is not pertinent. I have no books.

The CHAIRMAN. Who told you to say that question was not pertinent?

Mr. MAGANA. Just myself.

The CHAIRMAN. Don't you know that is not true?

Mr. MAGANA. Well, I don't know. Miss Helen Bryan has custody of the books, so I can't have no books.

The CHAIRMAN. Don't you know you were told by this lawyer Wolf to say it was impertinent, and when you say it is your thought, you swear to a lie? Don't you know that is true? I will ask you again, have you got them now?

Mr. MAGANA. The custodian of the books has to do it.

The CHAIRMAN. I ask you again, have you got them?

Mr. MAGANA. I have no books. I haven't got them.

The CHAIRMAN. As a member of the executive board of the Joint Anti-Fascist Refugee Committee, do you consent now for us to see those books?

Mr. MAGANA. I don't have the books.

The CHAIRMAN. Well, are you willing for us to see them up there in the office if we go up there?

Mr. MAGANA. I don't understand you.

The CHAIRMAN. If we go up there to the offices in New York are you willing for us to see these books?

Mr. MAGANA. Myself personally? I cannot tell, because the custodian of the books—

The CHAIRMAN (interposing). You just happened to think about that answer?

Mr. MAGANA. Miss Helen Bryan is in care of the books, so I don't.

The CHAIRMAN. Are you willing for us to see them?

Mr. MAGANA. I didn't have the books.

The CHAIRMAN. Are you willing for us to see them?

Mr. MAGANA. I haven't the books.

The CHAIRMAN. I didn't ask you that. Do you now consent or not for us to see those books?

Mr. MAGANA. That is impertinent.

The CHAIRMAN. That is an impertinent question?

Mr. MAGANA. Yes.

The CHAIRMAN. For that reason you decline to answer? Is that right?

Mr. LANDIS. Do you want us to see the books?

Mr. MAGANA. That is impertinent. I don't have the books. Miss Helen Bryan has the books, so I got to know first.

Mr. LANDIS. Would you care if Helen Bryan showed us the books?

Mr. MAGANA. That is a question for the board, not my question.

Mr. LANDIS. You are on the board?

Mr. MAGANA. But I am just a member.

The CHAIRMAN. We have asked you for your opinion about it.

Mr. MAGANA. Not pertinent.

The CHAIRMAN. Not pertinent?

Mr. MAGANA. Not pertinent.

Mr. RANKIN. Who wrote this document for you [referring to the paper previously read by the witness]?

Mr. MAGANA. That is my opinion.

Mr. RANKIN. Who wrote that for you? You are rubbing your nose right up against the gates of the penitentiary here. Did you write that?

Mr. MAGANA. It is not pertinent.

Mr. RANKIN. Don't you know good and well that a lawyer wrote that and made copies of it and gave each one of you one of them? Isn't that true?

Mr. MAGANA. That is not pertinent.

Mr. RANKIN. You refuse to answer the question?

Mr. MAGANA. It is not pertinent.

Mr. RANKIN. We will see whether it is pertinent or not.

The CHAIRMAN. That is all. You are excused.

(Witness excused.)

Mr. ADAMSON. I will call Dr. Louis Miller.

TESTIMONY OF DR. LOUIS MILLER, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and your address to the reporter?

Dr. MILLER. Louis Miller, M. D., 400 West End Avenue, New York City.

Mr. ADAMSON. Are you a practicing physician, Doctor?

Dr. MILLER. I am.

Mr. ADAMSON. Where is your office?

Dr. MILLER. At that address.

Mr. ADAMSON. And do you reside there?

Dr. MILLER. I might correct that. My residence is 411 West End Avenue.

Mr. ADAMSON. And the first address is your office?

Dr. MILLER. That is right.

Mr. ADAMSON. How long have you been practicing, Doctor?

Dr. MILLER. About 25 years.

Mr. ADAMSON. Are you a native-born citizen of New York?

Dr. MILLER. I don't know how pertinent that is to the subject of discussion, but I might say for your information that I am not a native-born citizen. I am a naturalized citizen.

Mr. ADAMSON. I take it that you are duly qualified in the State of New York to practice medicine?

Dr. MILLER. Oh, yes.

Mr. ADAMSON. Where did you come from originally?

Dr. MILLER. I came from Russia.

Mr. ADAMSON. What part of Russia?

Dr. MILLER. Vilna.

Mr. ADAMSON. I understand that you are a member of the executive board of the Joint Anti-Fascist Refugee Committee. Is that correct?

Dr. MILLER. That is correct.

Mr. ADAMSON. And how long have you been a member of the board?

Dr. MILLER. Since the inception of that organization; 1942, I believe.

Mr. ADAMSON. And were you affiliated with any of the organizations from which that grew? There were several organizations before that, I believe, that merged to make this one.

Dr. MILLER. Yes. I was a member of the committee of the preceding organization, at least one of the preceding organizations.

Mr. ADAMSON. Which one of them?

Dr. MILLER. I don't quite recall the title under which it functioned.

Mr. ADAMSON. Is that the Spanish Aid Committee or the Relief Ship?

Dr. MILLER. They were all Spanish aid.

Mr. ADAMSON. But you can't remember which one you were affiliated with?

Dr. MILLER. I do not.

Mr. ADAMSON. Do you take an active part in the management and affairs of the Joint Anti-Fascist Committee?

Dr. MILLER. Not particularly. I am a member of the executive committee.

Mr. ADAMSON. Dr. Barsky, your chairman, has testified here previously that when he was served with a subpoena requiring him to produce before this committee books, records, and papers of the Joint Anti-Fascist Committee, Anti-Fascist Refugee Committee, he laid the matter before the executive board, and the executive board voted unanimously instructing him not to produce the books, papers, and records. I want to ask you if you attended that meeting in person.

Dr. MILLER. I did not.

Mr. ADAMSON. How did you participate in it, by telephone or proxy or just how?

Dr. MILLER. The truth is I don't recall whether I was telephoned or whether by proxy.

Mr. LANDIS. Did you participate in any way in the vote?

Dr. MILLER. No; I don't think I did.

Mr. ADAMSON. Not even by telephone?

Dr. MILLER. I don't believe I did. They may have tried to reach me, but I am so active in my practice that they may have slipped up on that.

Mr. ADAMSON. So, when Dr. Barsky said the board was unanimous, that was not quite correct? Is that true?

Dr. MILLER. I suppose, insofar as those who were present at the meeting are concerned, the vote may have been unanimous. But all this is unfamiliar to me. Not having direct knowledge, naturally, I am not in a position to say.

Mr. ADAMSON. Do you recall discussing the matter with anyone?

Dr. MILLER. Not prior to the vote, and for a considerable while after the vote had been taken.

Mr. ADAMSON. Then you did know about it after the action was taken?

Dr. MILLER. That is right.

Mr. ADAMSON. In other words, you knew that the executive-board members or, rather, the other members of the board, had acted in that manner?

Dr. MILLER. Yes; I heard talk to that effect.

Mr. ADAMSON. Did you also hear that Miss Helen Bryan had been subpoenaed and that she had refused to produce these same books, records, and papers?

Dr. MILLER. Well, none of this situation is within my direct knowledge or participation.

Mr. ADAMSON. You knew that, though, didn't you? You knew Miss Bryan?

Dr. MILLER. I read things in the newspapers. I heard, and I met people who met other people. I mean that is the extent of my knowledge.

Mr. ADAMSON. You are here today in answer to a subpoena which was served upon you by the committee? Is that right?

Dr. MILLER. That is right.

The CHAIRMAN. Have you got that subpoena with you?

Dr. MILLER. I have [producing the subpoena].

Mr. ADAMSON. Mr. Chairman, I offer this as part of the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena addressed to Dr. Louis Miller follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Dr. Louis Miller, 400 West End, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee to be and appear before the Un-American Activities Committee of

the House of Representatives of the United States, of which the Honorable John S. Wood is chairman and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March, 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

Mr. ADAMSON. When was it served?

Dr. MILLER. One day last week, perhaps Wednesday or Thursday. I am not sure.

Mr. ADAMSON. And when you were served with this subpoena did you confer with Dr. Barsky or any of the other members of the board about it?

Dr. MILLER. Yes; I did. I conferred with counsel also.

Mr. ADAMSON. You mean Mr. Wolf?

Dr. MILLER. At about the same time—yes, Mr. Wolf and other legal people, attorneys.

Mr. ADAMSON. This subpoena calls for the production of the books, papers, and records of the Joint Anti-Fascist Refugee Committee. Have you brought any of the books, papers, and records with you today?

Dr. MILLER. My answer to that question I have here, Mr. Chairman [producing a paper].

The CHAIRMAN. We have already got that. You can just leave it.

Mr. ADAMSON. Give it to the reporter, and he will copy it in the record.

(The paper referred to follows:)

I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Dr. MILLER. For the record, I am not able to answer the question in the form in which you put it.

Mr. ADAMSON. We will take that as your answer. We have heard that a good many times already.

Mr. RANKIN. Let him tell us who wrote this.

Mr. ADAMSON. Where did you get this statement, Doctor?

Dr. MILLER. Actually I got this from one of the other members of the board. I don't remember which one. But in substance it contains the answer—

Mr. LANDIS (interposing). You didn't write the statement?

Dr. MILLER. No; I did not personally write the statement.

Mr. ADAMSON. But you agree with what is in the statement? Is that what you mean to say?

Dr. MILLER. I do; yes.

The CHAIRMAN. The statement was actually prepared by an attorney by the name of Wolf who is outside now, was it not?

Dr. MILLER. I can't say who prepared it actually.

The CHAIRMAN. It was simply given to you?

Dr. MILLER. That's right.

Mr. THOMAS. When was it given to you?

Dr. MILLER. A few days ago.

Mr. THOMAS. Who gave it to you?

Dr. MILLER. I don't remember which member of the board it was.

Mr. THOMAS. Now, Doctor, you are a man of great education, and you have had a lot of experience, and as a medical man you must have a good memory. Can't you recall who gave you that?

Dr. MILLER. Honestly, I can't recall. It was some man of the board or some woman of the board. The paper was handed me at a time when there was a lot of activity going on within the group.

Mr. THOMAS. Activity within this group?

Dr. MILLER. That is right. Pertaining to a defense.

The CHAIRMAN. By that you mean how you were going to get around not producing these records?

Dr. MILLER. No, sir.

The CHAIRMAN. Defending against the subpoena?

Dr. MILLER. No, not at all.

The CHAIRMAN. What sort of defense was it? You said "defense." What sort of defense?

Dr. MILLER. As to who had custody of the books. I wanted to know for myself what position I personally was in.

The CHAIRMAN. Why did you use the word "defense"?

Dr. MILLER. That was the wrong word to use.

The CHAIRMAN. You slipped up on that and spoke too quickly, didn't you?

Dr. MILLER. Well, I don't know. I am not an attorney. I am just a physician.

Mr. THOMAS. Now, just let me continue. This activity that you refer to, where did the activity take place? You said there were a number of members of the board around, and there was a lot of activity.

Dr. MILLER. I don't see that all this is pertinent. I think I have answered in my original statement.

Mr. THOMAS. When you met with the board, Mr. Wolf, the attorney, was there?

Dr. MILLER. I didn't meet officially with the board. I just met some of the people.

Mr. THOMAS. Now, where was that?

Dr. MILLER. As I said a moment ago, I don't see the pertinence of this.

Mr. LANDIS. Do you remember what day it was?

Dr. MILLER. I do not.

Mr. THOMAS. Who told you to say it was not pertinent?

Dr. MILLER. In my opinion it is not pertinent.

Mr. THOMAS. The reason I mention that is that every witness that has come here before today has said the same thing.

Dr. MILLER. Mr. Congressman, I would appreciate it if you would restate your question.

Mr. THOMAS. My question is, where did you meet with these other members at this time that you discussed this question?

Dr. MILLER. Well, I don't believe that that has any relevance to the question at issue here.

Mr. THOMAS. What I am trying to find out is to get the background of your statement in which you say that you have presented that statement there as your answer to us. Now you say you met with some members of the board. Where did you meet with them? Did you meet at your office?

Dr. MILLER. I still don't think that is pertinent. I am not here to give you that information.

Mr. THOMAS. You are not here to give us information?

Dr. MILLER. I mean pertaining to what my personal activities have been.

Mr. THOMAS. I am not questioning you about your personal activities. What I am trying to find out is about the executive committee of the Joint Anti-Fascist Refugee Committee. I am trying to find out where this meeting was held that you attended, at which you discussed this paper.

Dr. MILLER. There was no meeting held. There was no official meeting held. I am not referring to any official meeting.

Mr. THOMAS. I am not talking about an official meeting. I am talking about the gathering that you yourself mentioned. Where was the gathering?

Dr. MILLER. I mean I meet people right along. There was no specific meeting.

Mr. THOMAS. But you say somebody handed that paper to you.

Dr. MILLER. Yes; and that constitutes my answer, and I don't see the relevance—

Mr. THOMAS (interposing). I am trying to refresh your memory a little in order to enable you to tell us just who it was that handed you that paper.

Dr. MILLER. Will you allow me to consult my attorney?

Mr. THOMAS. This is not a legal question. That is a question of fact.

Dr. MILLER. I will ask my attorney if that question is relevant to this inquiry.

The CHAIRMAN. We are not interested in the attorney's opinion as to the relevancy of it.

Dr. MILLER. I don't think there is any relevancy.

The CHAIRMAN. Do you object to answering the question? What are you folks trying to conceal?

Dr. MILLER. I don't think we are trying to conceal anything.

The CHAIRMAN. You don't?

Dr. MILLER. No. I just have nothing to deliver here, personally.

The CHAIRMAN. Not even the truth?

Dr. MILLER. Oh, yes; the truth. Insofar as I am not in a capacity to deliver any documents, for I don't have any documents.

The CHAIRMAN. Why don't you answer the question, then, if you don't mind telling the truth?

Dr. MILLER. He has asked me questions which are far removed, and I don't think have any bearing on the situation at all.

Mr. THOMAS. Then I will ask you another question. If you did have custody of these books would you be willing to turn them over to us?

Dr. MILLER. I am not prepared to answer a hypothetical question. That is also irrelevant.

Mr. LANDIS. Would you be in favor, as a member of the board, of having Helen Bryan, who does have the custody of these books and papers, turn them over to us?

Dr. MILLER. Well, considering it, I would first consult proper counsel and have my counsel advise me to make up my mind.

The CHAIRMAN. Why would you consult counsel?

Dr. MILLER. Because I am not versed on the law as to the validity of the request. It is a legal question.

The CHAIRMAN. Let me see if I understand you. You mean by that that you would not be willing to let this committee see those books unless the law requires you to do it? Is that what you mean?

Dr. MILLER. Unless the law required me to do it and—

The CHAIRMAN (interposing). You would not do it?

Dr. MILLER. I am not saying that at all.

The CHAIRMAN. What do you say?

Dr. MILLER. I might do it if my attorney would advise me to do it. But I still say this is a hypothetical question.

The CHAIRMAN. Has he advised you not to do it?

Dr. MILLER. My attorney has not advised me anything, for the reason that my attorney is aware of the fact that I am in no position to deliver material, even if I wanted to.

The CHAIRMAN. You say he has not advised you either way since you were served with the subpoena?

Dr. MILLER. I have not been with him constantly.

The CHAIRMAN. Have you asked him whether or not you should obey the subpoena?

Dr. MILLER. Whether I should obey the subpoena?

The CHAIRMAN. Yes.

Dr. MILLER. No; I didn't think it necessary to ask him. I knew I had to obey the subpoena.

Mr. THOMAS. But you didn't obey the subpoena.

Dr. MILLER. Only insofar as delivery of the material is concerned, which is not in my possession and not in my control. That is the fact here.

The CHAIRMAN. What are the functions of the executive board of the Joint Anti-Fascist Refugee Committee?

Dr. MILLER. To plan the campaign for fund raising, to plan the project insofar as administering relief is concerned in various countries; to see to it that the organization is run efficiently, economically; to keep the overhead of the committee at as low a minimum as possible.

The CHAIRMAN. In other words, its function is to direct, govern, and direct the activities of the committee?

Dr. MILLER. That is right.

The CHAIRMAN. And also its policy?

Dr. MILLER. I suppose so.

The CHAIRMAN. Do you know of any other authority in this organization higher than the executive board?

Dr. MILLER. No; I know of no other.

The CHAIRMAN. You in fact have no other authority at all; do you?

Dr. MILLER. No.

The CHAIRMAN. It has supreme authority, so far as the activities of this committee are concerned?

Dr. MILLER. Yes.

The CHAIRMAN. Over the activities of the Joint Anti-Fascist Refugee Committee it has absolute authority?

Dr. MILLER. That is right.

The CHAIRMAN. As a member of that board, having absolute authority over the activities of the personnel, I will ask you whether or not you today are ready for this committee of Congress to have access to these books as called for in the subpoena?

Dr. MILLER. You are putting that question to me as an individual. I still say that as an individual I do not have control. That is a question for the entire body.

The CHAIRMAN. That was not what I asked you. I asked you if you yourself were willing for us to see them.

Dr. MILLER. That is immaterial. I again say that I would have to ask counsel what to do with the material if the material were in my custody, which it is not.

The CHAIRMAN. Because you think it is immaterial, you would not answer the question one way or the other at this time? Is that right?

Dr. MILLER. That is right.

The CHAIRMAN. Notwithstanding the fact that you have had the subpoena now since last Thursday or Friday, approximately 1 week? That is true, isn't it? Today is Thursday. You have had that subpoena approximately 1 week.

Dr. MILLER. That is right.

The CHAIRMAN. That's all.

(Witness excused.)

Mr. ADAMSON. I will call Herman Shumlin.

TESTIMONY OF HERMAN SHUMLIN, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and address to the reporter?

Mr. SHUMLIN. May I have my lawyer present?

Mr. ADAMSON. Give your name and address first.

Mr. SHUMLIN. Herman Shumlin, 229 West Fourty-second Street, New York City.

Mr. ADAMSON. Is that your residence address or office address?

Mr. SHUMLIN. That is my office.

Mr. ADAMSON. Where is your residence?

Mr. SHUMLIN. 115 East Seventieth Street. May I have counsel present?

The CHAIRMAN. I will advise you, Mr. Shumlin, if during the course of the examination there should arise any legal question that necessitates your getting legal advice before you answer it, you have the right to go out and consult your counsel.

Mr. ADAMSON. Now, Mr. Shumlin, what business are you in?

Mr. SHUMLIN. I am a theatrical producer and director.

Mr. ADAMSON. And how long have you been engaged in that business?

Mr. SHUMLIN. About 25 years.

Mr. ADAMSON. All within New York City?

Mr. SHUMLIN. Yes. I spent some time in California, in the motion-picture business.

Mr. ADAMSON. I assume that you are a citizen of the United States?

Mr. SHUMLIN. I was born here.

Mr. ADAMSON. You were born in New York?

Mr. SHUMLIN. No; in Colorado.

Mr. ADAMSON. You are here today in compliance with a subpoena from this committee requesting the production of books, papers, and records of the Joint Anti-Fascist Refugee Committee? Is that correct?

Mr. SHUMLIN. That is correct.

Mr. ADAMSON. Have you the copy of the subpoena that was served upon you?

Mr. SHUMLIN. Yes [producing the subpoena].

Mr. ADAMSON. I offer this as part of the testimony of this witness, Mr. Chairman.

The CHAIRMAN. It will be received.

(The subpoena served on Herman Shumlin follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Mr. Herman Shumlin, 229 West Forty-second Street, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

JOHN S. WOOD, *Chairman.*

Attest:

JOHN W. CARRINGTON, *Clerk.*

Mr. ADAMSON. Mr. Shumlin, are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mr. SHUMLIN. I am.

Mr. ADAMSON. How long have you been a member?

Mr. SHUMLIN. I don't know exactly, but I have been a member for several years.

Mr. ADAMSON. Were you a member at the inception of the organization in 1942?

Mr. SHUMLIN. I am not positive. I may have been. I wouldn't say "no." I haven't looked it up.

Mr. ADAMSON. Were you affiliated with any of the prior organizations from which this organization grew?

Mr. SHUMLIN. I don't know what it grew from. I have always been interested in the cause of the Spanish Loyalists, if that is what you mean.

Mr. ADAMSON. Were you affiliated with any of the Spanish relief organizations prior to 1942?

Mr. SHUMLIN. Affiliated in what sense?

Mr. ADAMSON. Did you belong to them?

Mr. SHUMLIN. I don't think so. I may have contributed money to them.

Mr. ADAMSON. But you took no active part?

Mr. SHUMLIN. I don't believe so.

Mr. ADAMSON. Do you take any active part in the management and operation of the Joint Anti-Fascist Refugee Committee?

Mr. SHUMLIN. I am a member of the executive board.

Mr. ADAMSON. Do you attend executive board meetings?

Mr. SHUMLIN. I have not attended many.

Mr. ADAMSON. When did you attend the last one?

Mr. SHUMLIN. I think perhaps 2 weeks ago. I am not sure.

Mr. ADAMSON. Your chairman, Dr. Barsky, has testified previously before this committee than when he was served with a subpoena from the committee requiring the production of its books, papers, and records, he laid the matter before your executive board, and the executive board voted unanimously to instruct him not to produce books, papers, and records before the committee. I want to ask you if you were present personally at that meeting?

Mr. SHUMLIN. I was not.

Mr. ADAMSON. How did you participate in it, by telephone or by proxy?

Mr. SHUMLIN. I did not participate in it.

Mr. ADAMSON. You were not called upon over the telephone?

Mr. SHUMLIN. No, sir.

Mr. ADAMSON. And you did not vote at all?

Mr. SHUMLIN. No, sir.

Mr. ADAMSON. And the board did not vote unanimously?

Mr. SHUMLIN. I don't know how they voted. I was not there.

Mr. ADAMSON. It could not have been unanimous if you were absent, could it?

Mr. SHUMLIN. I don't know what unanimity refers to in this case.

The CHAIRMAN. A unanimous vote of the board.

Mr. SHUMLIN. Unanimous of those who were present. Isn't that the way it usually is? All I know is that I was not present.

The CHAIRMAN. And you did not vote?

Mr. SHUMLIN. I did not.

The CHAIRMAN. Notwithstanding you were at that time a member of the board?

Mr. SHUMLIN. Yes. I was out of town, as a matter of fact. They may have called me. I don't know.

Mr. ADAMSON. Now, you are referring to a meeting 2 weeks ago. Was that in regard to this matter here?

Mr. SHUMLIN. It was in regard to this matter. If I can remember exactly, Dr. Barsky had appeared here, and there was a threat or promise by this committee to cite all the members of the Board. The meeting was in that connection, to talk about that.

Mr. ADAMSON. Did you vote at that meeting?

Mr. SHUMLIN. No, nothing was voted on.

Mr. ADAMSON. Just an informative meeting?

Mr. SHUMLIN. Yes.

Mr. ADAMSON. A meeting of the members of the board?

Mr. SHUMLIN. Yes.

Mr. ADAMSON. At that time was that the first news you had of the refusal of the committee, through its officers, to produce the books, papers, and records before this committee? Had you known about it before the meeting 2 weeks ago?

Mr. SHUMLIN. Had I known about what, sir? Be more specific.

Mr. ADAMSON. About Dr. Barsky and Miss Bryan's refusal to produce the books, papers, and records here before the committee.

Mr. SHUMLIN. I knew very little about it. I was very busy. I was out of town for 2 weeks before that. I was very busy.

Mr. THOMAS. Where were you out of town?

Mr. SHUMLIN. In Philadelphia.

Mr. ADAMSON. Then 2 weeks ago was the first discussion you had about it?

Mr. SHUMLIN. I wouldn't say exactly 2 weeks ago. Whenever it was, it was after Dr. Barsky had appeared before you.

Mr. ADAMSON. Well, say 3 weeks ago?

Mr. SHUMLIN. Whenever it was.

Mr. ADAMSON. That was the first time you had had any discussion with the other members of the board concerning the situation?

Mr. SHUMLIN. That's right.

Mr. ADAMSON. Let me ask you now, will you consent at this time, as a member of the board, to permit the investigators of this committee to inspect the books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Mr. SHUMLIN. As a member of the board it seems to me I would have to meet with them.

Mr. ADAMSON. All right, what is your disposition on the point? Are you willing for the committee to see the books, papers, and records? Have you got there anything that you know of that you would want to hide?

Mr. SHUMLIN. I don't know anything about the papers or books. I have never seen them.

Mr. ADAMSON. You don't know anything about them? Well then, are you quite willing for the investigators of this committee to see what is in them?

Mr. SHUMLIN. I would be able to answer that only after a proper meeting of the board.

Mr. THOMAS. Who told you to say that?

Mr. SHUMLIN. Nobody has told me to say anything. I have naturally consulted with attorneys on my legal rights.

Mr. THOMAS. Who was your attorney?

Mr. SHUMLIN. Benedict Wolf.

Mr. THOMAS. What is his address?

Mr. SHUMLIN. 160 Broadway.

Mr. LANDIS. Does the board have jurisdiction over these papers, or Helen Bryan?

Mr. SHUMLIN. I understand Miss Helen Bryan has jurisdiction over them.

Mr. THOMAS. You say we could get access to them through her, without the board's approval?

Mr. SHUMLIN. I presume so. The board has instructed her, I understand, to do whatever is necessary legally.

Mr. ADAMSON. Did they instruct her to produce the books and papers here?

Mr. SHUMLIN. As I understand it, they instructed her to do everything that was within the law, to obey the law, to protect the books.

The CHAIRMAN. Protect them from whom? From us?

Mr. SHUMLIN. Protect them from whom?

The CHAIRMAN. From us, from this committee?

Mr. SHUMLIN. I have no idea. Is there anybody else after them?

The CHAIRMAN. Not that I know of. That is the reason I asked you.

Mr. SHUMLIN. I don't know.

The CHAIRMAN. So she has been instructed by the board to do everything she can within the law to keep this committee from getting them?

Mr. SHUMLIN. I wouldn't say that.

The CHAIRMAN. Would you say that is not the instruction?

Mr. SHUMLIN. I understand the resolution that was passed—I was not there—was that she was to protect the books, keep entirely within the law, consult lawyers, and be sure she did what was right.

The CHAIRMAN. Consult lawyers for the board?

Mr. SHUMLIN. I don't know what lawyers she consulted.

Mr. ADAMSON. But she was to protect the books, so far as the law allowed? Is that correct?

Mr. SHUMLIN. That is as I understand it.

The CHAIRMAN. Do you subscribe to that instruction now?

Mr. SHUMLIN. I see nothing wrong about it.

The CHAIRMAN. You have taken no action yourself since you were served with this subpoena? By the way, I will ask you when you were served with it?

Mr. SHUMLIN. Last Saturday.

The CHAIRMAN. That was last Saturday, and today is Thursday.

Mr. SHUMLIN. Yes, sir.

The CHAIRMAN. So you have had Sunday, Monday, Tuesday, Wednesday, and you have taken no action to get those records and books available to this committee since you were served with the subpoena?

Mr. SHUMLIN. To get the books myself?

The CHAIRMAN. To get them here to this committee.

Mr. SHUMLIN. I wouldn't know how to do that.

The CHAIRMAN. You would not?

Mr. SHUMLIN. No, sir.

The CHAIRMAN. Haven't you just testified a while ago that the executive board, that you are a member of, is the supreme authority in this organization?

Mr. SHUMLIN. I am just one member.

The CHAIRMAN. I understand, but as one member, have you done anything to get the books down here?

Mr. SHUMLIN. I have done nothing.

The CHAIRMAN. Nothing at all? You made no attempt yourself as a member of the board to comply with this subpoena?

Mr. SHUMLIN. I could not possibly comply with it.

The CHAIRMAN. I asked you if you made any attempt to do it?

Mr. SHUMLIN. I say I could not possibly comply with it.

The CHAIRMAN. Have you made any attempt to?

Mr. SHUMLIN. I say again I could not possibly comply with it.

The CHAIRMAN. Then will you answer my question? Have you made any effort to do so?

Mr. SHUMLIN. Have I made any effort to bring the books here?

The CHAIRMAN. To comply with that subpoena.

Mr. SHUMLIN. That does not seem to me a pertinent question.

The CHAIRMAN. It does very much to me, and I will ask you if you will answer it, if you have made any attempt at all, made any effort whatever to comply with the provisions of that subpoena?

Mr. SHUMLIN. Well, to repeat myself, it doesn't seem to me a pertinent question.

The CHAIRMAN. For that reason you decline to answer it?

Mr. SHUMLIN. I would like to consult my attorney.

The CHAIRMAN. That is a fact. That is not a law question.

Mr. SHUMLIN. May I ask my attorney?

The CHAIRMAN. Ask him what?

Mr. SHUMLIN. Whether it is a pertinent question or not.

The CHAIRMAN. Can't you pass on that question?

Mr. SHUMLIN. I am not a lawyer. I told you I didn't think it was a pertinent question.

The CHAIRMAN. Then you decline to answer it for that reason? You have a right to decline to answer it if you want to.

Mr. SHUMLIN. I have told you several times that I thought it was not a pertinent question. I then asked if I could confer with my attorney whether it was right or wrong.

The CHAIRMAN. We had one witness here that asked that privilege this morning, and the witness went out and the lawyer told her that her question to him was impertinent.

Mr. SHUMLIN. Do you wish me to ask him?

The CHAIRMAN. I don't think we could accomplish any good purpose by having you go out and have him tell you that you were impertinent in asking him that question.

Mr. SHUMLIN. That remains to be seen. I don't know what his answer would be. I am not as experienced as you are in these matters.

The CHAIRMAN. Obviously the attorney is not going to give you any information that will enable you to tell any more about what the truth is than you yourself know, and that is all we want, is the truth.

Mr. SHUMLIN. Would you repeat that?

The CHAIRMAN. I say, all we want is the truth, and obviously the attorney is not able to give you what the truth is any more than you already know. You know what is in your mind, whether you are willing for this committee to have access to these books and records called for in that subpoena, and I am asking you just in common honesty to tell this committee whether you are willing or not to do that, you personally, just common honesty.

Mr. SHUMLIN. Your committee?

The CHAIRMAN. Whether you, yourself individually, are willing for this committee to have access to the books of your organization.

Mr. SHUMLIN. I didn't understand it that way. What is your question?

The CHAIRMAN. That is my question.

Mr. SHUMLIN. You asked me if I had made any effort.

The CHAIRMAN. I did a while ago, but I am asking now if you are willing.

Mr. SHUMLIN. You have withdrawn that question?

The CHAIRMAN. You declined to answer.

Mr. SHUMLIN. I did not decline to answer.

The CHAIRMAN. Then I will ask it again.

Mr. SHUMLIN. May I ask my attorney?

The CHAIRMAN. I am asking you if you want to answer it.

Mr. SHUMLIN. You told me before I could ask my attorney. Why don't you allow me to?

The CHAIRMAN. Very well, go ahead.

Mr. THOMAS. Do you know what you are going to ask him?

Mr. SHUMLIN. Whether I have made any effort to secure the books here.

Mr. THOMAS. And he is going to tell you whether you have made any effort?

Mr. SHUMLIN. Whether it is a pertinent question.

(The witness left the committee room for a few minutes.)

Mr. SHUMLIN. My attorney advised that it was a pertinent question, and my answer to it was pertinent, which was more or less that I had made no effort, because the books could not be in my custody. I could never get them.

The CHAIRMAN. And you say now that you are unable to produce them, and assuming that all of the other members of the executive board were of the same opinion as you, you could not produce these books? Is that right?

Mr. SHUMLIN. I make no such assumption in the first place. In the second place, I have no right to have these books.

The CHAIRMAN. Who has them?

Mr. SHUMLIN. They are in the custody of the executive secretary, Miss Helen Bryan.

The CHAIRMAN. Under whose direction?

Mr. SHUMLIN. Under whose direction?

The CHAIRMAN. Yes. Who directed her to take charge of them?

Mr. SHUMLIN. She has always been in custody of the books.

The CHAIRMAN. By whose authority?

Mr. SHUMLIN. By the authority of the board of directors.

The CHAIRMAN. The executive board of which you are director?

Mr. SHUMLIN. Yes, sir.

The CHAIRMAN. All right now, Doctor, the executive board—

Mr. SHUMLIN (interposing). No; I am not a doctor, thank you.

The CHAIRMAN. I beg pardon.

Mr. THOMAS. We have had so many doctors today we get them confused.

The CHAIRMAN. Mr. Shumlin, this executive board has as much authority to change the direction as they have to give it haven't they?

Mr. SHUMLIN. I think so.

The CHAIRMAN. Now, we will pass along to the last question I asked you a while ago before you went out. I will make a request of you, acting as chairman of the Committee on Un-American Activities of the Congress of the United States, to you as a member of the executive board of the Joint Anti-Fascist Refugee Committee, for your

permission—just yours, nobody else but yours—to allow this committee to see these books.

Mr. SHUMLIN. You are asking me to let you see the books?

The CHAIRMAN. I am asking you for your permission to do it, irrespective of what authority that permission carries. I want your permission to see them. May I have it?

Mr. SHUMLIN. I don't see any way that I could give it.

The CHAIRMAN. That's all.

Mr. ADAMSON. Let me ask him one question. Have you produced here today, in compliance with this subpoena, any books, papers, or records of the Joint Anti-Fascist Refugee Committee?

Mr. SHUMLIN. The books, papers, and records are not in my custody, therefore it would be impossible to produce them.

Mr. ADAMSON. Then your answer is you have not produced them?

Mr. SHUMLIN. I could not produce them, any more than I could produce an April shower.

Mr. ADAMSON. You have not produced them today?

Mr. SHUMLIN. I have given you my answer. If you wish it repeated I will be glad to repeat it.

Mr. THOMAS. You also have that mimeographed statement that Mr. Wolf gave you?

Mr. SHUMLIN. No; I do not.

Mr. THOMAS. They didn't give you one?

Mr. SHUMLIN. There was some statement, but I didn't keep it.

Mr. THOMAS. What do you mean, there was a statement?

Mr. SHUMLIN. Some of the other people had one, and I talked to him and he gave me one.

Mr. THOMAS. Then you gave it back to him?

Mr. SHUMLIN. I don't know what I did with it. I haven't got it. I may have torn it up; thrown it away.

Mr. THOMAS. It was given to you yesterday, was it? When was it given to you?

Mr. SHUMLIN. I don't remember exactly.

Mr. THOMAS. It wasn't given to you today, though?

Mr. SHUMLIN. No.

Mr. THOMAS. Do you remember where it was given to you?

Mr. SHUMLIN. I went down to his office and talked it over with him.

Mr. THOMAS. With Mr. Wolf?

Mr. SHUMLIN. To Mr. Wolf's office.

Mr. THOMAS. And he gave it to you then and there?

Mr. SHUMLIN. Yes.

Mr. THOMAS. Were the other members of the committee down there too?

Mr. SHUMLIN. Yes; some of them. I don't know if all of them were there.

Mr. THOMAS. That's all.

(Witness excused.)

Mr. ADAMSON. Call Mrs. Charlotte Stern.

TESTIMONY OF MRS. CHARLOTTE STERN, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your full name and address to the reporter?

Mrs. STERN. Charlotte Stern, 305 West Forty-fourth Street, New York City.

Mr. ADAMSON. Are you engaged in any business or profession?

Mrs. STERN. I am an officer of the Hotel and Club Employees Union.

Mr. ADAMSON. What office do you hold?

Mrs. STERN. Educational work director.

Mr. ADAMSON. How long have you been with them, Mrs. Stern, just approximately?

Mrs. STERN. Two years.

Mr. ADAMSON. And is that your regular profession or line of work; education?

Mrs. STERN. Yes.

Mr. ADAMSON. Were you a teacher before that?

Mrs. STERN. It seems to me that is immaterial to the inquiry.

Mr. ADAMSON. We just want to try to identify you. That is all.

The CHAIRMAN. You are not ashamed of it, are you?

Mrs. STERN. Oh, no; no, indeed. I have been a teacher some years ago.

Mr. ADAMSON. In New York?

Mrs. STERN. In Massachusetts.

Mr. ADAMSON. By the way, are you a native of Massachusetts?

Mrs. STERN. I am a native of Massachusetts.

Mr. ADAMSON. How long have you been in New York?

Mrs. STERN. Some 20 years.

Mr. ADAMSON. Now, Mrs. Stern, were you served with a subpoena from this committee?

Mrs. STERN. Yes.

Mr. ADAMSON. What date?

Mrs. STERN. I believe it was last Friday. I am not sure. I don't recall exactly.

Mr. ADAMSON. Do you have the copy of your subpoena with you?

Mrs. STERN. Yes [producing a subpoena].

Mr. ADAMSON. I offer this, Mr. Chairman, in connection with the testimony of this witness.

The CHAIRMAN. It will be received.

(The subpoena addressed to Mrs. Charlotte Stern follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To the Sergeant at Arms, or his Special Messenger:

You are hereby commanded to summon Mrs. Charlotte Stern, Hotel and Club Employees Local No. 6, 305 West Forty-fourth Street, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Hon. John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursements of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March, 1946.

JOHN S. WOOD, *Chairman*.

Attest:

JOHN W. CARRINGTON, *Clerk*.

MR. ADAMSON. Mrs. Stern, are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

MRS. STERN. I am.

MR. ADAMSON. And how long have been a member?

MRS. STERN. I believe since I joined the committee at the end of 1944.

MR. ADAMSON. That would be about 18 months.

MRS. STERN. About that.

MR. ADAMSON. Were you a member of the committee before you went on the board?

MRS. STERN. No; I was not on the committee.

MR. ADAMSON. Were you affiliated with any of the Spanish Relief Societies prior to that time?

MRS. STERN. No.

MR. ADAMSON. Can you recall how you became affiliated with the board? Dr. Barsky or someone solicited your membership?

MRS. STERN. I believe I was invited by the board to join them.

MR. ADAMSON. Did you know that Miss Helen Bryan, executive secretary of the committee, had been subpoenaed previously by this committee, and that she had refused to produce certain books, papers, and records of the Joint Anti-Fascist Refugee Committee before this committee?

MRS. STERN. I didn't get the question. Did I know what?

MR. ADAMSON. That Miss Helen Bryan had already been subpoenaed before this committee and that she had refused to produce books, papers, and records?

MRS. STERN. I had heard about it before; yes.

MR. ADAMSON. And when was the last date on which you attended a meeting of the executive board?

MRS. STERN. I believe it was February 11.

MR. ADAMSON. At that time wasn't that sort of an informative meeting at which this matter was reviewed?

MRS. STERN. I don't believe that that matter was reviewed at that meeting.

MR. ADAMSON. Dr. Barsky, your chairman, has testified previously that when he was served with a subpoena from this committee calling for the production of the books, papers, and records, he laid the matter before your board and your board voted unanimously to instruct him not to comply with the subpoena.

MRS. STERN. You are not referring to Dr. Barsky? You are referring to Miss Bryan?

MR. ADAMSON. No; Dr. Barsky so testified.

MRS. STERN. But in your previous question you didn't refer to Dr. Barsky.

MR. ADAMSON. No; I asked you if you knew about Miss Bryan, and you said you had heard about it.

MRS. STERN. Yes.

MR. ADAMSON. Now I am asking you about Dr. Barsky, who testified before this committee some time ago. What I want to know is, did

you take part in that meeting of the executive board by your personal attendance? In other words, did you go to the meeting in person?

Mrs. STERN. I don't think I attended the meeting on February 11. I don't know that I understand your question.

Mr. ADAMSON. Maybe it will be shorter if I ask you then what was the purpose of the meeting on February 11?

Mrs. STERN. I am sorry to say I don't remember.

Mr. LANDIS. Did you vote on anything at that time?

Mrs. STERN. I believe at that time there was some discussion in regard to a dinner that was being held, but I don't recall anything else.

Mr. ADAMSON. Didn't you vote some time within the last 3 months on a question of whether or not Mr. Barsky should comply with the subpoena which was served upon him by this committee?

Mrs. STERN. Yes.

Mr. ADAMSON. And about when was that?

Mrs. STERN. I believe I was requested to present my vote by telephone. I was not at any meeting and asked to vote. I was asked what my opinion was, what my vote was.

Mr. ADAMSON. Can you tell us whether that was before or after the February 11 meeting that you refer to?

Mrs. STERN. I believe it was after. I am not sure. I believe it was.

Mr. ADAMSON. Did you vote over the telephone in the affirmative or the negative on that matter?

Mrs. STERN. It seems to me that that is not pertinent. You know the decision of the board.

Mr. ADAMSON. Dr. Barsky said it was unanimous. I merely wanted to ask you about it.

Mrs. STERN. It was unanimous.

Mr. ADAMSON. It was unanimous?

Mrs. STERN. Yes.

Mr. ADAMSON. So you did vote in the affirmative?

Mrs. STERN. I don't believe that is pertinent. The decision of the committee was as a whole.

Mr. ADAMSON. What did you do when you were called up? Did you recognize the person with whom you were talking?

Mrs. STERN. Obviously, it is clear that the vote was unanimous.

The CHAIRMAN. Let me ask you this question. On February 13 of this year Dr. Barsky appeared in this room before this committee and stated that he was here in response to a subpoena similar to the subpoena that was served on you, that you have produced here, and he said that before he left his New York office he took up with the executive board the question of whether or not he should comply with the subpoena and produce the books and records. That was on the 13th of February, and I will read from his testimony:

They refused to grant me permission to submit these records.

Now, was that the vote you speak of that was unanimous?

Mrs. STERN. I believe so.

The CHAIRMAN. And I will ask you now, Mrs. Stern, as chairman of this committee on Un-American Activities of the Congress, I ask you as a member of the executive board of the Joint Anti-Fascist Refugee Committee for your personal permission to permit us to see the books and records. Will you give it to us or not?

Mrs. STERN. I cannot comply with your request because I do not have the books and records of the Joint Anti-Fascist Refugee Committee.

The CHAIRMAN. I didn't ask you that. I asked you if you are willing now to give your personal consent, for whatever it is worth, for us to see these books. Do you want to answer that question or not?

Mrs. STERN. I would like to consult counsel on that.

The CHAIRMAN. Why do you want to consult counsel? Do you think counsel can help you make up your mind?

Mrs. STERN. I should like to consult counsel as to whether I am compelled to answer.

The CHAIRMAN. You don't have to answer. I will tell you that, and you don't have to consult your counsel about it unless you want to.

Mrs. STERN. I would like to.

The CHAIRMAN. All I am trying to do is to get the truth. Do you need help to find the truth in your own mind?

Mrs. STERN. I would rather not answer.

Mr. THOMAS. Do you want to consult your counsel?

Mrs. STERN. I would like to.

The CHAIRMAN. Very well.

(The witness withdrew from the committee room for a few minutes.)

Mrs. STERN. This will be a question for the entire board to decide.

The CHAIRMAN. Wait just a moment now. Are you now telling us what your lawyer told you?

Mrs. STERN. No.

The CHAIRMAN. Are you telling us what is in your own mind?

Mrs. STERN. I am telling you what is in the board's mind.

The CHAIRMAN. I haven't asked you a thing in the world about the board. I asked you about yourself personally, whether you, so far as your authority goes, are willing to give us permission to see the books?

Mrs. STERN. I would like to consult the other members of the board.

The CHAIRMAN. And until that happens you would not say one way or the other? Is that right?

Mrs. STERN. That is right.

Mr. LANDIS. Did you attend the meeting Monday or Tuesday at the lawyer's office?

Mrs. STERN. I haven't attended a meeting for weeks.

The CHAIRMAN. You mean you have not been to Mr. Wolf's office for weeks?

Mrs. STERN. Yes.

Mr. THOMAS. Have you got the statement there that the others had?

Mrs. STERN. I haven't seen a statement.

Mr. THOMAS. You haven't seen a statement at all?

Mrs. STERN. No. You mean the statement with regard to the books and records?

Mr. THOMAS. Yes.

Mrs. STERN. Yes; I have such a statement.

Mr. THOMAS. You have got that statement?

Mrs. STERN. Yes.

Mr. ADAMSON. Have you produced here today the books, papers, and records, in compliance with the subpoena?

Mrs. STERN. I don't have them in my possession.

Mr. ADAMSON. You can get the statement out now.

Mr. LANDIS. Do you want to file that?

Mrs. STERN. I don't think it is necessary.

The CHAIRMAN. I guess they are getting kind of ashamed of those statements. There hasn't been one produced since noon. Everyone before noon had this statement.

Mr. THOMAS. I would like to follow up my question. This statement that you say you have, and you have decided not to produce, how did you get that statement?

Mrs. STERN. I don't think that is pertinent.

Mr. THOMAS. You don't think it is pertinent? Wouldn't you like to discuss that with your attorney? Because I would like to have you go out and ask him that.

Mrs. STERN. I don't think so.

Mr. THOMAS. Don't you want to go out and ask him?

Mrs. STERN. No.

Mr. THOMAS. Why don't you think it is pertinent? The others have answered the question.

Mrs. STERN. I don't have to answer any question I don't think are pertinent, do I?

Mr. THOMAS. Who told you to say this was not pertinent? That is the same answer that other witnesses have given in regard to other questions.

Mrs. STERN. Well, I think I am capable of making my own decisions.

Mr. THOMAS. I fully appreciate that.

Mrs. STERN. And I am sure you would not question my ability to do that.

Mr. THOMAS. No; I have no doubt about that. Just by looking at you I can tell that you are a very capable person. You decline, then, to answer where you got the statement?

Mrs. STERN. I don't think that question is pertinent.

Mr. THOMAS. Now, you said you got a telephone call—I will forget the statement—you said you got a telephone call from an employee of the Joint Anti-Fascist Refugee Committee concerning this matter. Did you recognize the voice on the other end of the wire?

Mrs. STERN. Well, the voice identified itself.

Mr. THOMAS. It was Miss Bryan; wasn't it?

Mrs. STERN. I believe it was.

Mr. THOMAS. You are a friend of Miss Bryan's, aren't you?

Mrs. STERN. Well, in a professional way.

Mr. THOMAS. And it was Miss Bryan that influenced you to go on this board of the Joint Anti-Fascist Refugee Committee?

Mrs. STERN. No; nobody influenced me.

Mr. THOMAS. Who asked you to go on the board?

Mrs. STERN. I received a request from the members of the board, and I complied with that request.

Mr. THOMAS. Here is something that I suggest you keep in mind: You like Miss Bryan, and she has a nice personality. I think everybody that comes in contact with her will agree to that. It is just too bad that somebody instructed all of these witnesses today to say that Miss Bryan has absolute custody of the books, because Miss Bryan told us that she did not have the custody of the books, and either Miss Bryan, who has a lot of witnesses against her today, all

against her, is not telling the truth or all of these witnesses are not telling the truth in regard to it. What I am afraid of is that the testimony that you have all given is going to do Miss Bryan untold harm, and I make this suggestion to you that you think it over.

Mrs. STERN. I don't know the name of the gentleman who is speaking.

The CHAIRMAN. Mr. Thomas. Now, Mrs. Stern, I want to see if I have got the right impression about the executive board of this Joint Anti-Fascist Refugee Committee. That is the governing body of the organization; isn't it?

Mrs. STERN. I believe so.

The CHAIRMAN. They make the policies and direct the activities of the organization?

Mrs. STERN. I think they do.

The CHAIRMAN. How many employees, paid employees, does the organization have?

Mrs. STERN. I cannot tell you that.

The CHAIRMAN. Well, Miss Bryan is one?

Mrs. STERN. She is.

The CHAIRMAN. She is employed by the board and paid by the board?

Mrs. STERN. Yes.

The CHAIRMAN. Her salary is fixed by the board?

Mrs. STERN. I believe so.

The CHAIRMAN. And this board is a voluntary governing body?

Mrs. STERN. Yes.

The CHAIRMAN. The Joint Anti-Fascist Refugee Committee is a voluntary organization? It is not incorporated?

Mrs. STERN. That is right.

The CHAIRMAN. And that board has the authority to employ, discharge, fix the compensation of any employees they desire, and to direct their duties and activities; has it not?

Mrs. STERN. I don't believe they have the authority to employ and discharge all of their employees. I think Miss Bryan has considerable authority.

The CHAIRMAN. Well, they certainly have authority over Miss Bryan. They employed Miss Bryan, you say, and they fix the salary?

Mrs. STERN. Yes.

The CHAIRMAN. They could discharge her tomorrow if they wanted to, couldn't they?

Mrs. STERN. Well, that would be a matter for the executive board to decide.

The CHAIRMAN. That is what I say. They have got that authority. That's all.

(Witness excused.)

Mr. ADAMSON. I will call Jesse Tolmach.

TESTIMONY OF DR. JESSE A. TOLMACH, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your full name and your address to the reporter, please?

Dr. TOLMACH. Jesse A. Tolmach.

Mr. ADAMSON. I notice the prefix "Doctor" before your name. Are you a practising physician?

Dr. TOLMACH. May I bring my attorney in here?

Mr. ADAMSON. I want to identify you first. Are you a practicing physician?

Dr. TOLMACH. Yes, sir.

Mr. ADAMSON. Where is your office?

Dr. TOLMACH. 30 West Fifty-ninth Street, New York City.

Mr. ADAMSON. And is your residence separate and apart from your office?

Dr. TOLMACH. Yes, sir.

Mr. ADAMSON. Are you a native citizen of the United States?

Dr. TOLMACH. Yes, sir.

Mr. ADAMSON. Born in New York?

Dr. TOLMACH. Yes, sir. May I bring my attorney in, gentlemen?

The CHAIRMAN. If, in the course of this examination any question should arise involving a legal matter that you desire to confer with your attorney about you will be given that privilege out there. I assume he is still out there?

Dr. TOLMACH. Yes, sir.

Mr. ADAMSON. Now, Dr. Tolmach, you are here today in compliance with a subpoena served upon you by this committee requiring your presence and the production of books, papers, and records of the Joint Anti-Fascist Refugee Committee. Is that correct?

Dr. TOLMACH. Yes, sir.

Mr. ADAMSON. Have you got the copy of your subpoena with you?

Dr. TOLMACH. Yes, sir [producing the subpoena].

Mr. ADAMSON. I offer this as part of the testimony of this witness, Mr. Chairman.

The CHAIRMAN. It will be received.

(The subpoena addressed to Dr. Jesse Tolmach follows:)

COPY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To the Sergeant at Arms, or His Special Messenger:

You are hereby commanded to summon Dr. Jesse Tolmach, 30 West Fifty-ninth Street, New York City, a member of the executive board of the Joint Anti-Fascist Refugee Committee, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, and to bring with you all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries. The said books, papers, and records demanded herein are for the period from January 1, 1945, up to and including the date of this subpoena, in their chamber in the city of Washington, on April 4, 1946, at the our of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 29th day of March 1946.

Attest:

JOHN S. WOOD, *Chairman.*
JOHN W. CARRINGTON, *Clerk.*

Mr. ADAMSON. Now, Mr. Tolmach, are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Dr. TOLMACH. I am.

Mr. ADAMSON. How long have you been a member?

Dr. TOLMACH. I think since about 1942.

Mr. ADAMSON. Then you were a member at its inception?

Dr. TOLMACH. Yes, sir.

Mr. ADAMSON. And were you affiliated with any of the Spanish organizations that I understand were sort of parents of this organization?

Dr. TOLMACH. I don't know that that question is pertinent to the issue. I would like to answer the question if I knew it is a pertinent question.

The CHAIRMAN. Is there any objection on your part to identifying yourself?

Dr. TOLMACH. No, sir. I would just like to know if it is a pertinent question.

The CHAIRMAN. It is pertinent to this committee.

Dr. TOLMACH. May I find out from my lawyer?

Mr. ADAMSON. All right; go ahead.

Dr. TOLMACH. Would you state the question again, please?

Mr. ADAMSON. Were you a member of any of the organizations which were predecessors of this organization?

(The witness left the committee room for a few minutes.)

Dr. TOLMACH. I consulted with the attorney and he told me that that was not pertinent.

Mr. ADAMSON. Then you refuse to answer that question for that reason?

Dr. TOLMACH. I don't refuse to answer the question.

Mr. ADAMSON. What do you do?

Dr. TOLMACH. I have just been advised that it was not pertinent.

Mr. LANDIS. What would you do if you don't refuse?

Mr. ADAMSON. You have got to either refuse or answer. Which will you do?

Dr. TOLMACH. I can only say I have been advised that it was not pertinent.

Mr. ADAMSON. Then you decline to answer the question for that reason?

Dr. TOLMACH. My answer is that I have been advised that it is not pertinent.

The CHAIRMAN. Irrespective of what you have been advised, the question was asked you, and you have the option of answering it or declining to answer. Which will you do?

Dr. TOLMACH. I am not in a position to make such technical decisions.

Mr. THOMAS. You are the witness.

Dr. TOLMACH. I have asked the attorney, and the attorney—

The CHAIRMAN (interposing). Are you ashamed of your activities?

Dr. TOLMACH. No, sir.

The CHAIRMAN. Have you got anything to conceal about it?

Dr. TOLMACH. No, sir.

The CHAIRMAN. All we wish is the truth. You took an oath that you would tell the whole truth.

Dr. Tolmach. Yes, sir.

The CHAIRMAN. And you don't want to answer it now?

Dr. Tolmach. I still must say I have been advised——

Mr. LANDIS (interposing). Either answer it or decline to answer it.

Dr. Tolmach. I answered the question by saying that I have been advised that that question is not pertinent.

The CHAIRMAN. That is not an answer. That is an expression of opinion. What is your answer now, after expressing your opinion?

Dr. Tolmach. It is my belief, after receiving advice from my counsel, that the question is not pertinent.

The CHAIRMAN. Then what do you propose to do, answer it or not?

Dr. Tolmach. I can't answer it on that ground.

Mr. ADAMSON. Why didn't you say that in the beginning?

The CHAIRMAN. That is all we wanted. You just decline to answer.

Mr. ADAMSON. Now, Doctor, how long have you been engaged in the practice of medicine?

Dr. Tolmach. 25 years.

Mr. ADAMSON. And I believe you said you are a native of New York?

Dr. Tolmach. Yes, sir.

Mr. ADAMSON. And have you brought with you today for the benefit of this committee the books, papers, and records specified in the subpoena which was served upon you?

Dr. Tolmach. I have the answer typed here.

Mr. ADAMSON. Just hand it to the reporter and we will type it in as part of your answer.

Dr. Tolmach. May I have your assurance that this is my answer?

Mr. ADAMSON. Yes. We have got many others just like it.

Dr. Tolmach. All right.

(The statement referred to follows:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I individually do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Mr. ADAMSON. Now tell me, Doctor, where did you obtain the type-written statement which you have just handed to the reporter?

Dr. Tolmach. From the attorney.

Mr. ADAMSON. From Mr. Wolf?

Dr. Tolmach. Yes, sir.

Mr. ADAMSON. Is he your personal attorney or does he represent the executive board of the Joint Anti-Fascist Refugee Committee?

Dr. Tolmach. He represents the executive board.

Mr. ADAMSON. Dr. Barsky, your chairman, has testified previously before this committee that when he was served with a subpoena at a prior time, requiring the production of the books, papers, and records of the Joint Anti-Fascist Refugee Committee, he laid the matter before your executive board, and that a meeting was held by your board and the board voted unanimously instructing him not to pro-

duce the books, papers, and records. I want to ask you if you attended that meeting personally?

Dr. Tolmach. No, sir.

Mr. Adamson. Did you participate in that decision by telephone or by proxy or in any other way?

Dr. Tolmach. By telephone.

Mr. Adamson. And I take it that Miss Bryan called you on the telephone. Is that correct?

Dr. Tolmach. I really can't say whether it was Miss Bryan or someone else in the office. I don't know the name of the person. I do know I was called by telephone.

The Chairman. Dr. Barsky testified that at that meeting—and I quote the language he gave at the time, on the 13th day of February in this room, Wednesday, February 13—he said that: “They”—the executive board—“refused to grant me permission to submit these records.”

Is that the question that you voted on over the telephone?

Dr. Tolmach. As I understood it, the board took the position that Miss Helen R. Bryan was the custodian of the records, and that we took the position that in view of that fact, and in view of the fact that you had already subpoenaed Miss Bryan, we saw no reason to transfer the custodianship of the books and materials to Dr. Barsky.

The Chairman. Then I will ask you again if Dr. Barsky's testimony that you refused to grant him permission to submit the records is correct?

Dr. Tolmach. Doesn't my answer answer that?

The Chairman. No, it does not to me, and I would like to have a positive answer.

Dr. Tolmach. It seems to me it is the same question.

The Chairman. I am quoting his language:

The board refused to grant me permission to submit these records.

Dr. Tolmach. We did not refuse him permission. We just refused to make him another custodian. In other words, we did not instruct him to produce the records.

The Chairman. But you told him not to produce them?

Dr. Tolmach. No; not that way, because he was not custodian of the books.

The Chairman. Who is?

Dr. Tolmach. Miss Bryan.

The Chairman. Do you mean to tell this committee that Miss Bryan can produce these books here without permission of this executive board?

Dr. Tolmach. Well, that question is evidently such a difficult question that—

The Chairman (interposing). Why is it difficult?

Dr. Tolmach. I don't know the full powers of an executive committee, and we thought it was such an important question that we had to get an attorney to get the answer.

The Chairman. What were you advised about it?

Dr. Tolmach. I don't think that my personal opinion is pertinent.

The Chairman. Can't you get some better word than “pertinent”?

Dr. Tolmach. You are probably a better lawyer than I am.

The CHAIRMAN. We have heard that word "pertinent" all day. We would like to have a little deviation from it.

Dr. TOLMACH. I think I can do better along the medical line than the legal line.

The CHAIRMAN. So you have left the matter to be decided, so far as the board is concerned, by your counsel? Is that right?

Dr. TOLMACH. To date we have placed the matter before the counsel, and we are awaiting his advice.

The CHAIRMAN. You are following his advice?

Dr. TOLMACH. We are following his advice.

The CHAIRMAN. And that counsel is a man by the name of Wolf?

Dr. TOLMACH. Benedict Wolf.

The CHAIRMAN. And he is employed by the executive board of the Anti-Fascist Refugee Committee?

Dr. TOLMACH. Yes, sir.

The CHAIRMAN. And represents that board?

Dr. TOLMACH. Yes, sir.

The CHAIRMAN. And that board employed him voluntarily? They were not forced to employ him, and they could dispense with his services any time they wanted to?

Dr. TOLMACH. I presume so.

The CHAIRMAN. Just like they could dispense with Miss Bryan's services any time they want to?

Dr. TOLMACH. I presume so.

The CHAIRMAN. Well, you know of no authority higher than the board of directors, the executive committee, do you? You don't know of any higher authority in the Joint Anti-Fascist Refugee Committee than the executive committee?

Dr. TOLMACH. I don't know that I could give a full answer. The practical answer would be I don't know, but I have heard terms like "national convention," which I would not be very well able to describe to you, therefore it may be what you say is correct. Maybe we are the highest authority. I am not sure.

The CHAIRMAN. So far as you know, there is no higher authority?

Dr. TOLMACH. I don't know.

The CHAIRMAN. Do you know of any higher authority?

Dr. TOLMACH. Well, perhaps there is a higher authority. I don't know.

The CHAIRMAN. I ask you if you know of any.

Dr. TOLMACH. Well, the word "national convention" impresses me, sounds very much more of a larger body making decisions.

The CHAIRMAN. Who is the national convention?

Dr. TOLMACH. Personally I would not be able to answer that. I imagine that would mean a group of the membership from all different parts of the country who would get together and make some important decision. I think that probably would be a higher authority.

The CHAIRMAN. How did you get on this board?

Dr. TOLMACH. I volunteered my services.

The CHAIRMAN. And who accepted them?

Dr. TOLMACH. The executive board.

The CHAIRMAN. And that is the way you got your membership on the board?

Dr. TOLMACH. By the reception, you mean?

The CHAIRMAN. By your voluntary agreement to serve, and they accepted it.

Dr. TOLMACH. I guess so.

The CHAIRMAN. And if they were to get to the point where they didn't want your services any more, they could separate you from that board?

Dr. TOLMACH. I don't know the answer. I presume if they didn't like me, didn't want me, or didn't think I was a decent person, they wouldn't want me on the committee.

The CHAIRMAN. And they would get rid of you?

Dr. TOLMACH. I imagine so.

The CHAIRMAN. And they have got that authority, haven't they?

Dr. TOLMACH. I think so.

The CHAIRMAN. As chairman of the Un-American Activities Committee of the Congress, in whose presence you have given this testimony, I ask you now for your personal permission as a member of the executive board of the Joint Anti-Fascist Refugee Committee to permit this committee of Congress to inspect the records of this organization that are called for in this subpoena which was served on you. Are you yourself, so far as your authority goes, willing that we should have that privilege or not?

Dr. TOLMACH. I don't believe I am in a position to give such an answer. I am only an individual member of the committee, and to arrive at such a decision I think that, first of all, it would require the advice of counsel on the one hand, and further, it would require a cooperative decision, and I am only a single individual in the committee.

The CHAIRMAN. Well, do you know whether you have got any objection to us seeing these books or not?

Dr. TOLMACH. I don't think that my personal opinions are important in such a decision.

The CHAIRMAN. They are very important to us. We have asked for them in writing and are asking for them now, for your personal permission.

Dr. TOLMACH. I don't believe I am in a position to give that personal permission, because I am only an individual.

Mr. LANDIS. You are one of the board members. You can give us your word.

Dr. TOLMACH. I cannot without meeting with the other members. I would have to be at a meeting and discuss the matter fully, hear the arguments pro and con, and at such a meeting, plus the advice of counsel, I could come to a decision. I can't come to a decision here.

Mr. LANDIS. Do you think Helen Bryan ought to turn them over without permission of the board?

Dr. TOLMACH. That would depend upon the same factors I have mentioned.

Mr. MUNDT. You have told us that you made a decision early in February over the telephone to keep Dr. Barsky from turning the books over to the committee. You didn't have the benefit of counsel on that telephone conversation. You had no chance for a cooperative decision. Why can't you decide with equal vigor this afternoon on this other question?

Dr. **TOLMACH**. I don't think the situation is analogous, because I knew what the other opinions were, and I also knew that Dr. Barsky was not the custodian of the books.

The **CHAIRMAN**. Whatever your reasons are—and I am not at all concerned about them, not a particle—whatever they are, do you now extend to this committee of Congress your personal permission, or do you not, or do you refuse to answer the question? Which one of the three things?

Dr. **TOLMACH**. What is the question?

The **CHAIRMAN**. Are you willing or are you personally unwilling, or do you refuse to answer, for whatever reasons you may have—I don't care anything about your reasons?

Dr. **TOLMACH**. I am not refusing to answer the question. I can't answer the question, sir. It is not within my power.

The **CHAIRMAN**. You mean it is not within your power to make up your mind whether or not you are willing for us to see them?

Dr. **TOLMACH**. They are not my books personally.

The **CHAIRMAN**. That is not the question. You have got a sixteenth interest in the control, under your own testimony. Are you willing, so far as your sixteenth goes, to let us see them?

Dr. **TOLMACH**. I would have to have a joint discussion before I could come to a conclusion.

The **CHAIRMAN**. And for that reason you would not answer either way now?

Dr. **TOLMACH**. I think my previous answer is the answer, that I would require a joint discussion at a regular committee meeting to come to a decision.

The **CHAIRMAN**. When were you served with that subpoena?

Dr. **TOLMACH**. Friday morning—Friday noon, I believe.

The **CHAIRMAN**. That will be 1 week tomorrow.

Mr. **LANDIS**. Did you attend the meeting of the lawyer with these others on Monday or Tuesday?

Dr. **TOLMACH**. Yes, sir.

Mr. **LANDIS**. Where did they have the meeting?

Dr. **TOLMACH**. In the lawyer's office.

Mr. **LANDIS**. 160 Broadway?

Dr. **TOLMACH**. 160 Broadway.

Mr. **LANDIS**. What day was that?

Dr. **TOLMACH**. Things are happening so fast—

Mr. **LANDIS** (interposing). Were all members of the board there?

Dr. **TOLMACH**. I don't know whether everybody was there.

Mr. **THOMAS**. That is when you got that statement; wasn't it?

Dr. **TOLMACH**. I think so.

The **CHAIRMAN**. There certainly was a majority of the board present at that meeting?

Dr. **TOLMACH**. Yes, sir.

The **CHAIRMAN**. That is all.

(Witness excused.)

Mr. **ADAMSON**. Mrs. Bobby Weinstein.

TESTIMONY OF MRS. BOBBY K. WEINSTEIN, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. **ADAMSON**. Will you give your full name and your address to the reporter?

Mrs. WEINSTEIN. Mrs. Bobby K. Weinstein, 211 Central Park West.

Mr. ADAMSON. Are you engaged in any business or profession?

Mrs. WEINSTEIN. No; I am a housewife.

Mr. ADAMSON. You are the first one today. You are here today in compliance with a subpoena served upon you by this committee calling for the production of certain books, papers, and records of the Joint Anti-Fascist Refugee Committee. Is that correct?

Mrs. WEINSTEIN. Yes.

Mr. ADAMSON. Do you have the copy of your subpoena?

Mrs. WEINSTEIN. No; I left it at home. Do you have to have it?

Mr. ADAMSON. Oh, no. It is not essential.

The CHAIRMAN. It is similar in appearance to the others?

Mrs. WEINSTEIN. It is identical, I think, with these other pink ones.

Mr. ADAMSON. You might look at one of them there and see if it says the same thing as the others.

Mrs. WEINSTEIN (after examining a subpoena). Yes; I will say this is identical.

Mr. ADAMSON. All right; you can mail it in.

Are you a member of the executive board of the Joint Anti-Fascist Refugee Committee?

Mrs. WEINSTEIN. Yes, sir.

Mr. ADAMSON. How long have you been a member?

Mrs. WEINSTEIN. I think about 3 years.

Mr. ADAMSON. Were you a member when the organization was first initiated in 1942?

Mrs. WEINSTEIN. No.

Mr. ADAMSON. You became a member, then, in 1943? Would that be about right?

Mrs. WEINSTEIN. I think it was about 1943, maybe 1944. It was 1943 or '44.

Mr. ADAMSON. Do you recall how you came to join the executive board? Who invited you?

Mrs. WEINSTEIN. I think it was Helen Bryan. I wouldn't want to say that under oath. I am not sure.

Mr. ADAMSON. Well, you are acquainted with Miss Bryan?

Mrs. WEINSTEIN. Yes.

Mr. ADAMSON. You had been acquainted with her for a period of time before you became affiliated with the board?

Mrs. WEINSTEIN. Before I became a member?

Mr. ADAMSON. Yes.

Mrs. WEINSTEIN. Yes; through the work.

Mr. ADAMSON. And your acquaintance with her is not solely through the executive board?

Mrs. WEINSTEIN. No.

The CHAIRMAN. Were you a member of the Joint Anti-Fascist Refugee Committee, identified with them in any capacity, before you came on the board?

Mrs. WEINSTEIN. No. I worked with the women's division in different things; theater parties and raising funds and so on.

Mr. ADAMSON. Were you affiliated prior to that time with any of the previous Spanish relief organizations of which this was an outgrowth?

Mrs. WEINSTEIN. I don't think it is pertinent that I answer.

Mr. ADAMSON. Well, where did you get the word "pertinent"?

The CHAIRMAN. We are getting awfully tired of that word.

Mrs. WEINSTEIN. I consulted with my attorney when I received the subpoena. I am not accustomed to receiving subpoenas, and he told me——

The CHAIRMAN (interposing). That anything you didn't want to answer was not pertinent?

Mrs. WEINSTEIN. No; anything that I thought was not pertinent.

The CHAIRMAN. Did he tell you anything you didn't want to answer was not pertinent?

Mrs. WEINSTEIN. No.

Mr. ADAMSON. Well, I see you have your statement in your hand there. I don't want to tire you holding it. Have you produced here today the books, papers, and records of the Joint Anti-Fascist Refugee Committee as called for in the subpoena which was served upon you?

The CHAIRMAN. You can just file your paper over there and we will put it in the record.

(The paper referred to follows:)

Mr. Chairman, I have been served with a subpoena requiring me to appear and testify and to produce certain books, records, and correspondence of the Joint Anti-Fascist Refugee Committee in my possession, custody, and control. I, individually, do not have possession, custody, or control over any of the material requested in the subpoena which was served upon me. The books, records, and correspondence of the Joint Anti-Fascist Refugee Committee are in the possession, custody, and control of Miss Helen R. Bryan, the executive secretary of our organization, and she is the legal custodian of this material. Since I do not have either in my possession, custody, or control the books, records, and documents described in the subpoena, I am unable to comply with your order to produce them.

Mr. ADAMSON. When was the subpoena served on you? do you remember?

Mrs. WEINSTEIN. Yes; Friday morning.

Mr. ADAMSON. Last week?

Mrs. WEINSTEIN. Last week.

The CHAIRMAN. That will be 1 week tomorrow.

Mrs. WEINSTEIN. Tomorrow will be a week.

Mr. ADAMSON. Your chairman, Dr. Barsky, has testified here before the committee in words and substance that when he was served with a subpoena some time ago, requiring the production of these books, papers, and records for the committee, he called a meeting of the executive board and laid the matter before them, and they voted unanimously to instruct him not to produce the books, papers, and records. Now, did you attend that meeting in person?

Mrs. WEINSTEIN. No, sir.

Mr. ADAMSON. Did you participate in it over the telephone or by proxy or in any way?

Mrs. WEINSTEIN. No, sir.

Mr. ADAMSON. You did not express your opinion or vote in any way on the matter?

Mrs. WEINSTEIN. No, sir; I did not. I was out of town. I didn't vote. I am not absolutely certain, but I know I was out of town at one time, and it may have been then.

Mr. ADAMSON. When is the last time you attended a meeting of the executive board in person?

Mrs. WEINSTEIN. It was either at the end of January or the first day or two in February, around that period. I don't remember the exact date. It was after Miss Bryan had appeared down here.

Mr. ADAMSON. And they didn't vote on anything at that meeting?

Mrs. WEINSTEIN. No, sir. They gave a report on what happened.

Mr. ADAMSON. Well, they told you at that time that they had appeared before the committee and she had refused to produce the books, papers, and records?

Mrs. WEINSTEIN. Yes.

Mr. ADAMSON. Did you know about her appearance before the committee before you attended that meeting?

Mrs. WEINSTEIN. Did I know about her appearance at this committee?

Mr. ADAMSON. Yes.

Mrs. WEINSTEIN. Yes.

Mr. ADAMSON. Had there been a prior meeting to that one at which it was taken up?

Mrs. WEINSTEIN. No, sir.

Mr. ADAMSON. How did you get your information?

Mrs. WEINSTEIN. She told us at the meeting. You mean before?

Mr. ADAMSON. Yes.

Mrs. WEINSTEIN. I had been at the office and was told about it.

Mr. ADAMSON. Are you willing today to give us your permission, as far as you are concerned, to let the investigators of this committee of Congress go up and inspect these books, papers, and records that we have been talking about here all day?

Mrs. WEINSTEIN. I don't think I could answer that because I would have to hear discussions by the board, and I haven't thought about it, and I don't think I could answer it.

The CHAIRMAN. Let me ask you. This statement that you have submitted to the committee, how long have you had it?

Mrs. WEINSTEIN. I think since Monday night.

The CHAIRMAN. And you obtained it in the office of Attorney Wolf?

Mrs. WEINSTEIN. Yes; I went down to see him.

The CHAIRMAN. And several of them were there?

Mrs. WEINSTEIN. Yes, sir.

The CHAIRMAN. Practically all of the members were present?

Mrs. WEINSTEIN. I think so. Most all of them were present.

Mr. ADAMSON. A majority anyway?

Mrs. WEINSTEIN. Definitely.

The CHAIRMAN. Definitely a majority. And naturally, the matter was discussed at the meeting?

Mrs. WEINSTEIN. The matter?

The CHAIRMAN. The matter of obeying the subpoena. That is what you met for, wasn't it? You met on account of the fact that you had all been served with a subpoena?

Mrs. WEINSTEIN. Yes.

The CHAIRMAN. And your attorney prepared a statement and gave each one of you a copy of it?

Mrs. WEINSTEIN. No; I had consulted with him before.

The CHAIRMAN. But it was at that time that he gave it to you?

Mrs. WEINSTEIN. That is right.

The CHAIRMAN. And you received it from Attorney Wolf?

Mrs. WEINSTEIN. Benedict Wolf.

The CHAIRMAN. Each of you, so far as you know? You certainly got yours from him?

Mrs. WEINSTEIN. I got mine.

The CHAIRMAN. And was a definite majority of the members of the executive board of the Joint Anti-Fascist Committee present at the time when the formal, principal statement was prepared by your attorney and given to you? Certainly there was some discussion of the question of complying with the subpoena, wasn't there?

Mrs. WEINSTEIN. I don't completely understand the question.

The CHAIRMAN. Well, you have stated that a definite majority, practically all of the members of the executive board, were present?

Mrs. WEINSTEIN. There were several, yes.

The CHAIRMAN. You said definitely a majority.

Mrs. WEINSTEIN. Yes.

The CHAIRMAN. And your attorney handed out to you copies of the statement that you have produced here in answer to the question that was asked you a while ago as to whether or not you had produced the books?

Mrs. WEINSTEIN. Yes.

The CHAIRMAN. That was handed out to you in that meeting?

Mrs. WEINSTEIN. Yes.

The CHAIRMAN. Now I will ask you if that meeting was held because you had been served with subpoenas? That is why you were down there?

Mrs. WEINSTEIN. That was not a meeting. I went down there, and they walked in and out, you know.

The CHAIRMAN. But you said there was definitely a majority of them there.

Mrs. WEINSTEIN. At his office, but I didn't mean at one time. People walked in and out.

The CHAIRMAN. How did you know there was a majority of them there if you didn't see them?

Mrs. WEINSTEIN. Some were walking out and some were coming in.

The CHAIRMAN. How many were walking out and how many walking in?

Mrs. WEINSTEIN. I don't know.

The CHAIRMAN. And you mean to tell this committee that you didn't discuss this question of the subpoena then with other members of the board?

Mrs. WEINSTEIN. I don't think that is pertinent. May I ask my lawyer?

The CHAIRMAN. Let me ask you this question. This is certainly pertinent, in spite of the fact that we have been awfully worried with that term today. Don't you know that you went to the lawyer's office, you and the other members of this board of the Joint Anti-Fascist Refugee Committee, for the purpose of discussing how you could combat that subpoena? That was your business there? Don't you know that is true? You don't have any other reason for going except that, did you?

Mrs. WEINSTEIN. No, I went down to discuss my subpoena with him.

The CHAIRMAN. To devise ways and means, if you could, how you

could legally keep out of producing these books? That was the purpose of it, wasn't it?

Mrs. WEINSTEIN. Well, yes.

The CHAIRMAN. And this board had given Miss Bryan instructions, with your knowledge, to exercise every legal means that she could to keep from producing these books?

Mrs. WEINSTEIN. Yes. Would you repeat that?

The CHAIRMAN. Miss Bryan had been given instructions by the executive board of the Joint Anti-Fascist Refugee Committee, with your knowledge, to use whatever legal means she could to keep from producing those books for this committee of Congress, had she not?

Mrs. WEINSTEIN. To this committee of Congress? Well, to protect the books within all the legal rights.

The CHAIRMAN. Every legal right she could use to protect them from us, to keep us from seeing them? You haven't anything else to protect against, have you?

Mrs. WEINSTEIN. In the ultimate, that might be. I haven't thought of it against anybody else.

The CHAIRMAN. There wasn't anybody else seeking them, was there?

Mrs. WEINSTEIN. No.

The CHAIRMAN. Nobody else was asking for them?

Mrs. WEINSTEIN. No.

The CHAIRMAN. So that was what the instructions were to Miss Bryan, to use every legal means she could, to consult the lawyer whom the board has employed, Mr. Wolf, and use whatever legal means she could to keep this committee of Congress from seeing these books and records?

Mrs. WEINSTEIN. She used every legal means that was possible to protect the books of the organization.

The CHAIRMAN. From what?

Mrs. WEINSTEIN. From what a lawyer might think was search and seizure.

The CHAIRMAN. To see them, in other words?

Mrs. WEINSTEIN. To protect the committee within all its legal rights.

The CHAIRMAN. There was nobody else—now, Mrs. Weinstein, there was nobody else seeking to see them except this committee of Congress, was there?

Mrs. WEINSTEIN. No.

The CHAIRMAN. That is all.

Mr. MUNDT. Mrs. Weinstein, when you held the meeting down in Mr. Wolf's office—

Mrs. WEINSTEIN (interposing). I didn't say we held a meeting.

Mr. MUNDT. When you met—

Mrs. WEINSTEIN (interposing). I went down to see him.

Mr. MUNDT. When you were down to Mr. Wolf's office that evening did you see Dr. Barsky? Was he there?

Mrs. WEINSTEIN. I don't think that is pertinent.

Mr. MUNDT. It is a very pertinent question.

Mrs. WEINSTEIN. I don't think it is pertinent to the issue. May I ask my lawyer?

The CHAIRMAN. Well, irrespective of what your opinion is, you know whether you saw him.

Mr. MUNDT. Your lawyer won't know whether you saw him or not.

Mrs. WEINSTEIN. May I consult with him, because I don't think it is pertinent.

Mr. THOMAS. Will he know whether you saw him?

Mrs. WEINSTEIN. No, but he can tell me whether it is pertinent.

Mr. MUNDT. Whether it is pertinent to him or not, it is pertinent to us, unless you want to be in contempt and not maintain your oath to tell the whole truth and nothing but the truth. There is nothing your attorney can tell you as to whether you saw Dr. Barsky or not.

Mrs. WEINSTEIN. But he can tell me whether it is pertinent for me to answer.

Mr. MUNDT. It may not be from his standpoint, but it is from ours.

Mrs. WEINSTEIN. May I consult him?

Mr. MUNDT. You may.

The CHAIRMAN. Find out what the truth about it is.

(The witness left the hearing room for a few minutes.)

Mrs. WEINSTEIN. I am sorry. It was pertinent, and Dr. Barsky was there.

Mr. MUNDT. Now this question—you may want to consult your attorney on this one too—did you see Miss Helen Bryan at his office that time?

Mrs. WEINSTEIN. Yes.

Mr. MUNDT. That is all I have.

Mr. LANDIS. Did you ask your question, does she give consent for us to see the records?

The CHAIRMAN. As chairman of the Committee on Un-American Activities of Congress, Mrs. Weinstein, I now ask you for your permission, as far as your authority is to give it, to this committee or its representatives to see the books and records of the Joint Anti-Fascist Refugee Committee. Are you willing for us to do that, so far as you are concerned?

Mrs. WEINSTEIN. I could not talk for the committee. I would not want to answer unless I had consulted with the committee and attended a meeting at which I could hear discussion on it.

The CHAIRMAN. You stated you were present at a meeting with a majority of them.

Mrs. WEINSTEIN. I could not answer because I don't know.

The CHAIRMAN. That's all.

(Witness excused.)

Mr. ADAMSON. I will call Miss Helen R. Bryan.

TESTIMONY OF MISS HELEN R. BRYAN, EXECUTIVE SECRETARY, JOINT ANTI-FASCIST REFUGEE COMMITTEE, NEW YORK CITY

(The witness was duly sworn by the chairman.)

Mr. ADAMSON. Will you give your name and address to the reporter, Miss Bryan?

Miss BRYAN. Helen R. Bryan, 58 Bank Street, New York City.

Mr. ADAMSON. And what is your official connection with the Joint Anti-Fascist Refugee Committee?

Miss BRYAN. I am executive secretary.

Mr. ADAMSON. What is the office address?

Miss BRYAN. 192 Lexington Avenue.

Mr. ADAMSON. And you are employed there, are you?

Miss BRYAN. Yes, I am executive secretary.

Mr. MUNDT. Is that a paid position?

Miss BRYAN. Yes, it is.

The CHAIRMAN. By whom are you employed?

Miss BRYAN. By the executive board.

The CHAIRMAN. How long have you been so employed?

Miss BRYAN. Three years ago this March, last March.

The CHAIRMAN. The executive board fixes your compensation?

Miss BRYAN. Yes.

The CHAIRMAN. And fixes your tenure of office?

Miss BRYAN. They do.

The CHAIRMAN. They have authority to terminate it at will?

Miss BRYAN. Well, I suppose I could be fired.

The CHAIRMAN. That is what I say.

Miss BRYAN. Yes, sir.

The CHAIRMAN. And the authority that could fire you would be the executive board?

Miss BRYAN. Yes, sir.

Mr. MUNDT. Do you have a written employment contract?

Miss BRYAN. No, sir.

Mr. MUNDT. You are hired from month to month on a monthly salary?

Miss BRYAN. Yes.

The CHAIRMAN. When you first went to work for this committee the executive board employed you?

Miss BRYAN. Yes.

The CHAIRMAN. And fixed your compensation?

Miss BRYAN. Yes.

The CHAIRMAN. And did they fix a specified term for your employment or not?

Miss BRYAN. That I don't remember.

Mr. LANDIS. Were you hired by the year or the month?

Miss BRYAN. I am now hired by the year.

The CHAIRMAN. And that arrangement was made between you and the executive board?

Miss BRYAN. That's right.

The CHAIRMAN. Do you know of any other authority over the activities or policy making of the Joint Anti-Fascist Refugee Committee except the executive board? I mean with reference to fixing its policies and employing its employees, directing their activities?

Miss BRYAN. It is the executive board, yes.

Mr. ADAMSON. You are here today in compliance with a subpoena which was served upon the committee by this office?

Miss BRYAN. That is correct.

Mr. ADAMSON. Have you got the pink copy of your subpoena with you?

Miss BRYAN. I didn't know I had to bring it.

Mr. ADAMSON. You don't have to, but you can mail it in to us.

The CHAIRMAN. Have you got it with you?

Miss BRYAN. No.

Mr. ADAMSON. Look at one of these pink copies of subpoenas here and tell us if that is the form and substance of the one which was served upon you.

Miss BRYAN (after examining a subpoena). Yes, I think it is.

Mr. ADAMSON. And this subpoena was addressed to the Joint Anti-Fascist Refugee Committee? Is that correct?

Miss BRYAN. Yes.

Mr. ADAMSON. And was served upon you because you are the executive secretary and in charge of the office?

Miss BRYAN. Yes.

Mr. ADAMSON. Can you recall when the subpoena was served?

Miss BRYAN. Yes, I think so. I think it was Friday morning, between 11 and 1 o'clock.

Mr. ADAMSON. Last Friday?

Miss BRYAN. Last Friday morning.

The CHAIRMAN. That will be 1 week tomorrow?

Miss BRYAN. That is correct.

Mr. ADAMSON. Have you produced here today, in compliance with the requirements of the subpoena, the books, papers, and records of the Joint Anti-Fascist Refugee Committee?

Miss BRYAN. I am the executive secretary—

Mr. ADAMSON (interposing). Now wait just a minute, Miss Bryan. Will you say "yes" or "no," and then we will take up your statement?

Miss BRYAN. No, I would prefer to read my statement. It is very short, Mr. Adamson.

Mr. ADAMSON. I don't know that there would be any objection to letting you make the statement.

The CHAIRMAN. First state whether you have got the books.

Miss BRYAN. I prefer this other way.

The CHAIRMAN. But we prefer it that way, and the question has been asked you if you have got them.

Miss BRYAN. But I think I am entitled to read this. It is very short.

The CHAIRMAN. Do you now comply with that subpoena? If you say you don't know, then whatever explanation you have got there, you can give it.

Miss BRYAN. I prefer to read this statement. It is very brief.

The CHAIRMAN. After all, you see, you are the witness. You have been asked a question. What is your answer to it? If you want to read your statement, we are willing for you to do it after you answer the question.

Miss BRYAN. Well, as executive secretary of the Joint Anti-Fascist Refugee Committee, as custodian of the books and records, I was advised by my executive board to find out what steps I should take, within my legal rights, to protect the books and records and correspondence of this organization.

The CHAIRMAN. From whom?

Miss BRYAN. I was advised to consult with counsel.

The CHAIRMAN. You were advised to protect them from what?

Miss BRYAN. To protect them from any kind of investigation which would interfere with the relief we are carrying on.

The CHAIRMAN. Particularly this committee of Congress?

Miss BRYAN. Yes.

The CHAIRMAN. When did you get that instruction?

Miss BRYAN. Well, Mr. Wood, I don't remember the exact time.

The CHAIRMAN. Has it been since you were served with the subpoena?

Miss BRYAN. Oh, no.

The CHAIRMAN. You were served with this before?

Miss BRYAN. That is right.

Mr. LANDIS. After you were served with the other subpoena?

Miss BRYAN. That's right.

The CHAIRMAN. After you were served the first time?

Miss BRYAN. Yes, sir.

Mr. MUNDT. Before or after your appearance before this committee?

The CHAIRMAN. Just a moment—then you conferred with an attorney by the name of Wolf?

Miss BRYAN. I conferred with counsel.

The CHAIRMAN. Just name him.

Miss BRYAN. Mr. Benedict Wolf.

The CHAIRMAN. Will you identify him? Mr. Benedict Wolf is counsel for the executive board of the Joint Anti-Fascist Refugee Committee?

Miss BRYAN. Mr. Benedict Wolf is the counsel for the Joint Anti-Fascist Refugee Committee.

The CHAIRMAN. He is employed by the executive board and paid by the executive board?

Miss BRYAN. That I cannot tell you.

The CHAIRMAN. You have not paid him?

Miss BRYAN. I have not; no.

The CHAIRMAN. And you conferred with him because you were told that he was the counsel for the Joint Anti-Fascist Refugee Committee?

Miss BRYAN. No; you see, my subpoena came first.

The CHAIRMAN. I understand, but you knew he was the counsel for the Joint Anti-Fascist Refugee Committee? You stated that.

Miss BRYAN. I was subpoenaed as the executive secretary of the Joint Anti-Fascist Refugee Committee.

The CHAIRMAN. But you say you were subpoenaed and that the board had a meeting and directed you to take all legal steps, consult counsel and take all legal steps to protect the books, records, and papers. You are complying with that subpoena.

Miss BRYAN. No; I didn't say that.

The CHAIRMAN. You said protect you against investigation, and you had no other—

Miss BRYAN (interposing). No; protect the books and records of our organization.

The CHAIRMAN. From investigation?

Miss BRYAN. No; I said—you asked me what I was protecting from, and I said that the board had advised me to consult with counsel to see what steps could be taken within my legal rights to protect the books and records of our organization.

The CHAIRMAN. From investigating committees?

Miss BRYAN. No.

The CHAIRMAN. What I want to know is, Protect them from what?

Miss BRYAN. I am telling you what my board told me.

The CHAIRMAN. What did you want to protect them from?

Miss BRYAN. That is what the board said.

The CHAIRMAN. Now, the board told you that after you had been served with a subpoena to produce those books before this committee of Congress; didn't it?

Miss BRYAN. I would have to ask about that, because I am not sure. Mr. LANDIS. That was after you were subpoenaed here before?

Miss BRYAN. It was before I was subpoenaed; yes.

Mr. LANDIS. I mean the last time. It was after your first subpoena, wasn't it?

Miss BRYAN. That is what I don't actually remember.

The CHAIRMAN. Why did you remember it a while ago when you said it was?

Miss BRYAN. No; what I don't remember, Mr. Wood—you don't understand—is whether I consulted with counsel before I received the subpoena or immediately afterward.

The CHAIRMAN. Well, Miss Bryan, didn't you testify in answer to my question that after you got your first subpoena here your board gave you that instruction, and that you then went and talked to counsel? Isn't that what you testified?

Miss BRYAN. You see, I am a little confused about the exact date of when I received the first subpoena.

The CHAIRMAN. But I am asking you now if that isn't what you said a while ago.

Miss BRYAN. Would you ask that again?

The CHAIRMAN. Didn't you testify that after you got the first subpoena your board then told you to consult with your counsel and to use all legal means?

Miss BRYAN. I would like to consult counsel on that.

The CHAIRMAN. Why?

Miss BRYAN. Because I would like to just get the dates straight. I don't want to say something that is not true.

The CHAIRMAN. Would you be willing to swear to what he says?

Miss BRYAN. Yes.

The CHAIRMAN. You would? You mean you would come back in here and give your oath that the date he gives you is correct? Is that what you mean to tell the committee?

Miss BRYAN. I think he would have it in his records. I don't have any records with me.

The CHAIRMAN. And you would come back in here and swear on his records or on his statement when it was? Is that right?

Miss BRYAN. Yes. I am sure he would have it in his records, Mr. Wood.

The CHAIRMAN. I am not asking you that. Are you willing then to come back in here and say that what he tells you is the truth?

Miss BRYAN. If he finds it in his records.

The CHAIRMAN. That that is the truth?

Miss BRYAN. Yes.

The CHAIRMAN. Then the committee would not be very much interested in that sort of testimony.

Was there anybody else seeking these books and records at the time you conferred with him the first time?

Miss BRYAN. Not that I know of.

The CHAIRMAN. Then you understood, of course, that the instructions you had had reference to our efforts to get these books and records?

Miss BRYAN. I understood that.

The CHAIRMAN. And you went and consulted Mr. Wolf?

Miss BRYAN. Correct.

The CHAIRMAN. Then we will get back again to my question. Mr. Wolf is employed not by you but by the executive board of the Joint Anti-Fascist Refugee Committee? That is right; isn't it?

Miss BRYAN. That I don't know.

The CHAIRMAN. He is not employed by you?

Miss BRYAN. No; I am sure of that.

The CHAIRMAN. Why did you consult him?

Miss BRYAN. He was—we were advised that he was a competent lawyer.

The CHAIRMAN. The lawyer for the Joint Anti-Fascist Refugee Committee?

Miss BRYAN. That I didn't know.

The CHAIRMAN. That was the information you had?

Miss BRYAN. No.

The CHAIRMAN. That is just what you just this minute said.

Miss BRYAN. I didn't say he was employed by the Joint Anti-Fascist Refugee Committee.

The CHAIRMAN. You said just now that you understood he was their lawyer.

Miss BRYAN. No; I did not say that, Mr. Wood. I said I was advised to consult with him.

The CHAIRMAN. And you were advised that by the board, the executive board?

Miss BRYAN. No.

The CHAIRMAN. Whom were you advised by?

Miss BRYAN. One or two members of the executive board.

The CHAIRMAN. By the members of the executive board?

Miss BRYAN. One or two members.

Mr. MUNDT. Was Dr. Barsky one of those members?

Miss BRYAN. Yes; he was.

The CHAIRMAN. And following that advice you went and conferred with Mr. Wolf?

Miss BRYAN. Yes.

The CHAIRMAN. And you are now carrying out Mr. Wolf's instructions?

Miss BRYAN. No; I am not, Mr. Wood.

The CHAIRMAN. Whose instructions are you carrying out?

Miss BRYAN. Mr. Wood, Mr. Wolf explained to me—

The CHAIRMAN (interposing). I am not asking about his explanation. I am asking at whose direction now are you coming down here without these books and records?

Miss BRYAN. My own.

The CHAIRMAN. Your own? You are taking full responsibility?

Miss BRYAN. I am.

The CHAIRMAN. And why did you go to consult him, then?

Miss BRYAN. Because I wanted to know what my legal rights were in such a case.

The CHAIRMAN. After you consulted with him and he told you what, in his opinion, your legal rights were, you made up your mind?

Miss BRYAN. No.

The CHAIRMAN. When did you make up your mind?

Miss BRYAN. He advised with me and pointed out to me——

The CHAIRMAN (interposing). I just asked you when you made up your mind not to bring them?

Miss BRYAN. Before the last appearance.

The CHAIRMAN. And that was after you conferred with him?

Miss BRYAN. Oh, yes.

The CHAIRMAN. If the executive board of the Joint Anti-Fascist Refugee Committee should direct you by majority of that board to make those books, records, and papers available to this committee of Congress, would you do it or wouldn't you?

Miss BRYAN. I don't know, Mr. Wood.

The CHAIRMAN. You don't know?

Miss BRYAN. No.

The CHAIRMAN. Well, don't you know whether you would or whether you would get out as executive secretary?

Miss BRYAN. I don't know.

The CHAIRMAN. So you mean now to tell this committee that you are acting arbitrarily, on your own initiative, and that the board could not control your action at all?

Miss BRYAN. No; I didn't say that.

The CHAIRMAN. Can the board do it?

Miss BRYAN. Can the board control me?

The CHAIRMAN. Yes.

Miss BRYAN. I said earlier that——

The CHAIRMAN (interposing). Now, let us get along. Can the board control your actions?

Miss BRYAN. Certainly.

Mr. MUNDT. Do you feel that you have the support of the board in the decision which you say you are making on your own behalf not to give these records and books to the committee?

Miss BRYAN. I don't think that is a pertinent question.

Mr. MUNDT. You don't think it is pertinent to know whether the board is supporting your position or not?

Miss BRYAN. I don't think it is pertinent for me to answer that question.

Mr. MUNDT. Do you know?

Miss BRYAN. I don't think that is a pertinent question?

Mr. MUNDT. You decline to answer?

Miss BRYAN. I don't think it is pertinent.

The CHAIRMAN. The question is whatever you think about it. Do you want to answer it or not? You have two alternatives. You can answer "Yes" or "No" or you can say you decline to answer it. Which do you do?

Miss BRYAN. What was the question again?

The CHAIRMAN. Whether or not the board is supporting you in your action not to give us the books and records.

Miss BRYAN. I don't think that is a pertinent question.

The CHAIRMAN. Do you decline to answer it for that reason?

Miss BRYAN. I say I don't think it is a pertinent question.

The CHAIRMAN. I understand you said that half a dozen times. But I want to know whether you decline to answer it.

Miss BRYAN. Well, I just say that I don't think it is a pertinent question.

The CHAIRMAN. You have already said that.

Miss BRYAN. That is all I say.

Mr. LANDIS. You don't say "Yes" or "No," then? You decline to answer?

The CHAIRMAN. You have the right to decline if you want to.

Miss BRYAN. I would rather leave it at that.

The CHAIRMAN. Then you will not answer it? Is that right?

Miss BRYAN. I have answered in saying I don't think it is a pertinent question.

The CHAIRMAN. I understand that, but that doesn't answer the question.

Miss BRYAN. This gentleman says that it does.

The CHAIRMAN. I don't care what the gentleman says. It is not an answer, and you know it is not an answer.

Miss BRYAN. I think it is an answer.

The CHAIRMAN. And you want to leave it that way?

Miss BRYAN. Yes.

The CHAIRMAN. Are you going to leave it that way?

Miss BRYAN. Yes.

The CHAIRMAN. That is fair enough. That is an answer.

Mr. RANKIN. You decline to produce these books?

Miss BRYAN. After consulting with counsel I came to the conclusion that the subpoena was not valid and therefore, although I am very glad to testify about any part of the relief activities of our organization, I cannot comply with your request for the production of the books and records.

The CHAIRMAN. And you haven't got them here, have you?

Miss BRYAN. I said, Mr. Wood, I could not comply with your request.

The CHAIRMAN. I understand that, but you haven't got the books here available to this committee, have you?

Miss BRYAN. No.

Mr. RANKIN. Mr. Chairman, I would like to consult with the committee just a minute. Let the witness step into the next room.

(The witness withdrew from the committee room.)

SPANISH REFUGEE APPEAL OF THE
JOINT ANTI-FASCIST REFUGEE COMMITTEE,
New York 16, N. Y., April 6, 1946.

Congressmen JOHN S. WOOD,

*Chairman, Committee on Un-American Activities,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN WOOD: Enclosed is a copy of my statement which you stated you would accept for the record.

Inasmuch as you closed the hearing while I was out of the room, I was deprived of the opportunity of leaving my statement with you. I am sending it to you now with the understanding that it will be made part of the record.

Sincerely yours,

HELEN R. BRYAN,
Executive Secretary.

STATEMENT OF HELEN R. BRYAN FOR THE HOUSE COMMITTEE ON UN-AMERICAN
ACTIVITIES ON THURSDAY, APRIL 4, 1946

Mr. Chairman, I am here in response to a subpoena addressed to the Joint Anti-Fascist Refugee Committee, and served upon me, requiring the Joint Anti-Fascist Refugee Committee to produce "all books, ledgers, records, and papers relating to the receipt and disbursement of money by or on account of the Joint Anti-Fascist Refugee Committee or any subsidiary or subcommittee thereof, together with all correspondence and memoranda of communications by any means

whatsoever with persons in foreign countries," for the period from January 5, 1945, up to and including March 29, 1946.

I am the executive secretary of the Joint Anti-Fascist Refugee Committee, and the custodian of its books, records, and correspondence. As such, my organization left with me the responsibility of determining, after consultation with counsel, what action to take, within the limits of my legal rights, to protect its records from unlawful search and seizure. After consulting counsel, I have concluded that the subpoena served upon me is invalid on grounds which I shall state, and for that reason, although I am willing to testify about the activities of my organization, I am not complying with your demand for our books, records, and correspondence.

I am informed by counsel that the subpoena is invalid for the following reasons:

1. The subpoena is so broad and indefinite that it constitutes a search and seizure. It is a forced inquiry into matters irrelevant for any legislative purpose. It requests all books and records showing receipts and disbursements of all money by or on account of the organization and all correspondence and memoranda of communications with persons in foreign countries, for a period of 15 months.

You have made no attempt at differentiating within this mass of material, although it must be clear that all of it could not possibly be pertinent to any inquiry you are legally entitled to make. How much rent we pay; what salaries our clerical staff members get, may be of proper concern to the President's War Relief Control Board, and this information is available to that Board, but it cannot be of concern to a congressional committee whose jurisdiction is limited to an investigation of subversive and un-American propaganda activities within the United States. Nor could the names and addresses of our contributors be of any proper concern of yours, for the names of our contributors, who all reside within the United States, do not determine or affect our activities. I could give many similar examples of nonpertinent material.

2. In addition, there has been no foundation laid for your demand for our books, records, or communications. The courts have held that a congressional committee is not permitted to make a "general, roving, offensive, inquisitorial, compulsory investigation" into private affairs. Before you can legally issue the type of subpoena you have served upon me, you are required to have some evidence to indicate that our organization's activities come within the area you are authorized by Congress to investigate. The Supreme Court of the United States has said, "It is contrary to the first principles of justice to allow a search through all the (organization's) records, relevant or irrelevant in the hope that something will turn up," and that "The analogies of the law do not allow the party wanting evidence to call for all documents in order to see if they do not contain it. Some ground must be shown for supposing that the documents called for do contain it."

I have gone over the statements made by the members of your committee, as set forth in the Congressional Record, with regard to the motion to cite Dr. Barsky for contempt. There is nothing in any of the alleged facts you have set forth to indicate in the slightest degree that the Joint Anti-Fascist Refugee Committee has engaged in any subversive or un-American propaganda activities within the United States, or for that matter outside of the United States. There can be no such evidence, since we are a relief organization, and engaged in no propaganda activities.

According to a United Press report of November 1 or 2, 1945, your committee has itself indicated, at least where certain organizations were involved, that you would disregard requests for investigation unless accompanied by documentary evidence. According to this press report, when you were asked by the American Veterans Committee to conduct an investigation of seven veterans organizations described by Congressman Biemiller as "native Fascist organizations," a spokesman for your committee admitted that you were making no investigation of these organizations, and asserted that you give "fair consideration" to requests for investigations only when they are accompanied by "documentary evidence." Yet you are trying to apply a different rule to our organization, the Joint Anti-Fascist Refugee Committee.

I am advised by counsel that, because there is no evidence indicating that our activities come within the investigative jurisdiction which has been granted to you by Congress, your subpoena asking for all books, etc., is nothing more than a "fishing expedition" and therefore invalid.

3. There is serious doubt as to the constitutionality of the rule creating your committee, because some of the limiting phrases of the rule, "un-American propa-

ganda activities" and "subversive and un-American propaganda" are so impossible of definition, so lacking in concreteness, that your area of investigation becomes vague and indefinite to the point where your inquiry cannot be in aid of valid congressional exercise of a proper legislative function.

4. Your subpoena is so broad that compliance with it will prevent our organization from functioning. To bring to Washington all of the books, records, etc., from January 5, 1945, to March 29, 1946, means that for the length of time that you, at your pleasure, decide to keep these books and records in Washington, we might as well close our offices. We could not carry on our activities under such circumstances, and you would be putting an end to our work, preventing us from fulfilling our relief commitment, and causing great distress and suffering to the Spanish Republican refugees. For this additional reason, I am advised by counsel, your subpoena is invalid.

5. Among our records are the names of persons, recipients of relief funds, members of whose families still live in Franco Spain. To make the names of these relief recipients public would be put in jeopardy the lives of those members of their families who are at the mercy of the Franco dictatorship. How can our organization, created to provide relief for Spanish Republican refugees and their families, to alleviate the suffering of starving and homeless persons, in good conscience endanger the lives of people by turning names over to your committee, which has already shown its bias and hostility toward us by the efforts of your counsel to get our license revoked by the President's War Relief Control Board more than a week before your committee had made any determination whether it was interested in our activities?

As I have stated before, although I am not turning over to you the books, records, and correspondence you have demanded for the reasons I have set forth, I am perfectly willing to testify about the activities of the Joint Anti-Fascist Refugee Committee. It has no secrets. It does not try to hide its activities. Every 3 months it submits to the President's War Relief Control Board, under which it is licensed, a statement of receipts and disbursements, showing, among other things, in which countries our relief moneys are expended, moneys which are expended, incidentally, not by us, but by other organizations such as the Unitarian Service Committee. We have informed the President's War Relief Control Board that it is free to make as thorough an investigation of our records as it chooses.

I am prepared now to tell you, in as much detail as you desire, of the work we do in the various countries to relieve the distress and suffering of the Spanish Republican refugees. I make this offer, although I believe your subpoena is invalid, because we are proud of the work we are doing and are willing to use any forum to describe this work. I am also prepared to submit to you a written statement fully describing our activities.

HELEN R. BRYAN.

Mr. MUNDT. Mr. Chairman, I move that we cite all of the witnesses who have appeared before us today as being in contempt of Congress, and that we take steps to bring this to the floor of the House next week.

Mr. LANDIS. I second the motion.

The CHAIRMAN. All those in favor of the motion will say "aye"; opposed "no."

(The motion was put and carried.)

(Whereupon, at 5:10 p. m., the committee adjourned.)

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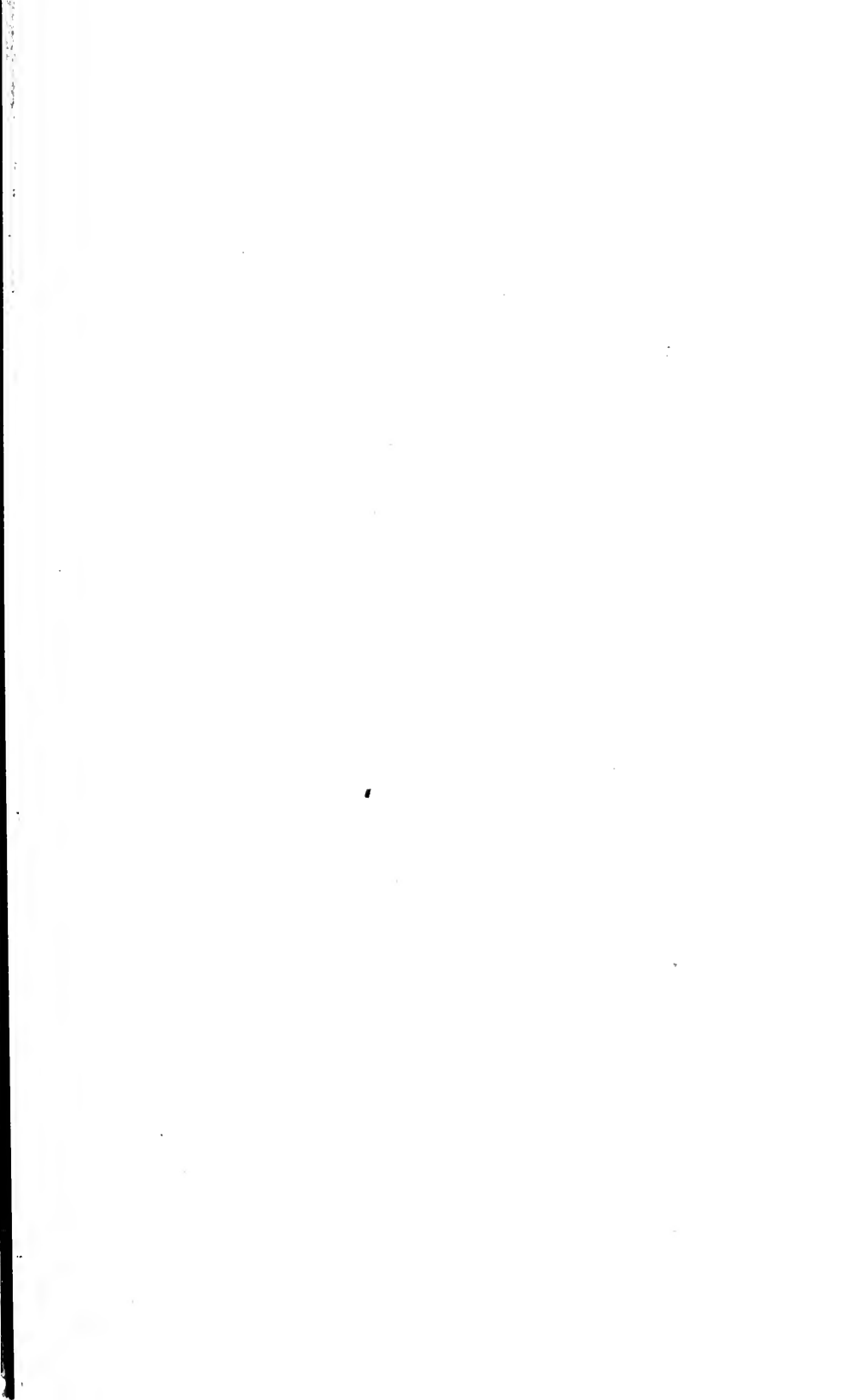












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